

19-CV-3347

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PLAINTIFF(S),

-AGAINST-

CITY OF NEW YORK ET AL.,

DEFENDAT(S),

PLAINTIFF'S REPLY TO DEFENDANT(S) REQUEST
SEEKING SUMMARY JUDGEMENT

ALEXANDER WILLIAMS JR
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The plaintiff is making a submission responding to what he believes is the defense cross-motion to his motion for Summary Judgement.

On March 3, Or 4 2021 the plaintiff received 54 copies/prints out of case law from defense counsel Aaron Davison which he suggests was being used in defense counsel legal argument in the response to plaintiff's motion.

As a result the plaintiff immediately wrote the court informing of this and asking for time because he did not receive the actual motion from defense counsel Mr Davison but just the case law print-outs.

The plaintiff has expressed to the Court on numerous occasions that since he commenced this law suit that he has had many issues with receiving and sending his legal mail in specifically and has even voiced such on the Court's minutes during a telephone-conference with Judge James L. Cott during the month of Dec 2019 with defense counsel at the time Samantha Pallini in the matter of Williams v City Of New York Et Al., 19-CV-3347, See EXHIBIT-C for copies of the minutes on that matter pages 16 - 17.

"The Court recognizes that it 'must' extend extra consideration to pro-se plaintiffs' and that " Pro-Se parties are to be given special latitude on Summary Judgement Motion " SALAHUDDIN V. COUGHLIN, 999 F. Supp. 526, 535 (S.D.N.Y. 1998)(Peck, M.J.) (citations & internal quotation omitted); See e.g. McPHERSON V. COOMBE, 174 F.3d 276, 280 (2d Cir. 1999) (a pro-se party's pleadings should be read liberally and interpreted "to raise the strongest arguments that they suggest").

SUMMARY JUDGEMENT STANDARDS

1. The Court has established that in considering a Motion for Summary Judgement, the Court is not to "RESOLVE" contested issues of fact, but

rather is to determine whether there exist any disputed issues of material fact. See e.g. DONAHUE V. WINDSOR LOCKS BD. OF FIRE COMM'RS, 834 F. 2d 54, 58 (2d Cir. 1987); KNIGHT V. U.S. FIRE INS. CO., 804 F. 2d 9. 11 (2d Cir. 1986).

2. The burden of showing that no genuine factual dispute exists rest on the party seeking Summary Judgement. See e.g. ADICKES V. S.H. KRESS & CO, 398 U.S. 144, 157, 90 S. Ct. 1598, 1608, 26 L. Ed 2d 142 (1970); CHAMBER V. TRM COPY Ctrs CORP, 43 F.3d 29, 36 (2d Cir. 1994).

3. In this matter the plaintiff is the movant and submitted his initial motion seeking Summary Judgement as seen in EXHIBIT-A herein.

4. To defeat a Summary Judgement Motion the non-moving party, who is defense counsel Mr. Aaron Davison in this matter, must do "more than simply show that there is some metaphysical doubt as to the material facts" See MATSUSHITA ELEC. INDUS CO V. ZENITH RADIO CORP, 475 U.S. at 587, 106, S. Ct. 1348, 1356, 89 L. Ed 2d 538 (1986).

5. Instead in this case the non-moving party, who is Mr Aaron Davison, must "set out specific facts showing a genuine issue for trial", FED. R. CIV. P(E) accord e.g., MATSUSHITA ELEC INDUS CO V. ZENITH RADIO CORP, 475, U.S. at 587, 106 S.Ct. at 1356; WEINSTOCK V. COLUMBIA UNIV, 224 F.3d 33 41 (2d Cir. 2000) (at summary judgement, " [T]he time has come 'to put up or shut'")(citations omitted), cert. denied, 540 U.S. 811, 124 S. Ct. 53, 157 L. Ed. 2d 24 (2003)

6. In this matter it seems as if defense counsel has or is taking the position that (1) that defendnat K. Alexander did violate the plaintiff rights by reading his mail but said violation doesnt arise to monetary vuale or (2) defendant(s) violation of the plaintiff rights were tied to

some believeth that some one was in danger of the plaintiff communicating with the out-side world freely without defense ever explainin what that concern may have been so that the Court could determine if or if not there lied a Legitimate Penological Intrets in their actions.

7. EXHIBIT-B is the list of exhibits from the plaintiff's summary judgement motion whihc the plaintiff will use to display and referer the Courts to documents herein this response.

MAIL FIRST AMENDMNET VIOLATIONS
IN 19-CV-3347

8. There can be no dispute in regards to wheter or not the defendant K. Alexander unlawfully read the plaintiff's out-going mail when exhibit-E of the summary judgement supports that defendant K. Alexander was rading plaintiff's mail, because of plaintiff's housing status, because it was not plaintiff's Court order that granted such intrusion permitting so, See Exhibit - B of the summary judgement for plaintiff Court order for review. It was not the Correspondence polciy of NYC DOcs that granted permissison because within the polciy on this matter it clearly states that in order for an detainees mail to be read out0-going that their must exist a (1) mail watch instituted by the warden of the facility, (2) a lawful warrant and/or (3) a Courts order, See EXHIBIT-D herein for the polciy fro NYC Docs in regards to this matter which was submitted to the plaintiff in discovery from defense as well as EXHIBIT-E herein

9. The defense never alluded to any statue, warrant, lawful order, and/or polciy that stated and supported that plaintiff's mail should have been being read by defendant K. Alexander before allowing to go out of the facility.

10. You can not take the defense that defendant K. Alexander was able to read the plaintiff's out-going mail and legal mail because of the

the plaintiff criminal charge because then that would alluded to all correctional officers being able to read any/all out-going mail of all detainees currently charged with a charge similar and the same of that of the plaintiff's charge.

11. Furthermore the New York City Board of Correction (WHO THE DEFENDANT CITY OF NEW YORK RUNS) director for policies and Communication issued a letter on Oct 26,2020 that quilled this matter completely and stated that the Command level Order governing the housing unit where the plaintiff was housed at the MDC facility violated the plaintiff's right and NYC BOC minimum standards and did act as a blanket restriction being imposed upon the plaintiff that were not restrictions listed within his specific Court Order. This left no room for dispute in this matter. See exhibit - B of summary judgement motion for plaintiff's Court Order, and exhibit - A for the CLO that governed the housing unit where the plaintiff was housed while being held at the Manhattan Detention Complex, and exhibit - Q for letter from BOC.

12. So the matter of legality need not be disputed but the injury that said violations from defendant(s) K.alexander action can be the only dispute but one that is not great enough to avoid summary judgement in favor of the plaintiff.

13. The plaintiff was housed on unit 9 north at the manhattan detention complex due to an Court order signed by the honorable Judge Vincent Del-gudice on Jan 2, 2019. The plaintiff was detained on unit 9 north from Jan 18, 2019 through April 2019 when defendant K. Alexander was removed from the Custody Recall Post.

14. In his response to defendant(s) answer to his amended complaint of 19-CV-3347 the plaintiff submitted documents [being copies of the facility mailroom log book]showing and supporting that from Jan 18 - April 2019 the

sent out some 85 different pieces of mail 64 of which were privilege and legal in nature going to (1) his wife Crystal Williams (2) his attorney's (3) his private investigators in his criminal case discussing exculpatory evidence, (4) doctor in his criminal case discussing exculpatory evidence and defense strategies and (5) numerous financial institutions, and (6) legal department of New York City Dep't of Correction foil officer Laura S. Mello.

15. Again defendant(s) failed to establish any Legitimate Penological Interest in reading the plaintiff mail and needing to know what he was talking about citing these people's and places mentioned above in ¶ 14 of this response herein. Establishing this need of a "LEGITIMATE PENOLOGICAL INTEREST" is a need by defense to defeat the plaintiff motion for Summary Judgment in that matter. This was established by the Courts when it stated that "the non-moving party must do more than simply show that there is some Metaphysical doubt as to the material facts" MATSUSHITA ELECTRIC INDUS CO V. ZENITH RADIO CORP., 475 U.S. 574, 586, 106, S.Ct. 1348 1356, 89 L. Ed. 2d 538 (1986).

16. Even in a case used by defense counsel Aaron Davison out of this very Southern District of New York ACEVEDO V. FISCHER, 2015 U.S. Dist LEXIS 162027, defendants' Summary Judgment motion in regards to First Amendment violations were denied.

CONSTITUTIONAL PROTECTION OF INMATES MAIL:

17. "[C]onvicted prisoners do not forfeit all Constitutional Protection by reason of their conviction and confinement in prison", the plaintiff is a pre-trial detainee which would mean that he should have higher protection in his rights because he is not convicted as of yet.

18. The Second Circuit has recognized that a prisoner's right to the "free flow of incoming and outgoing mail" is guaranteed by the First

Amendment. JOHNSON V. GOORD, 445 F. 3d at 534 (quoting DAVIS V. GOORD, 320 F. 3d 346, 351, (2d Cir 2003)).

19. An inmates "OUT-GOING" mail is afforded greater First Amendment Protection then incoming mail, and restrictions are justified only if they further "one or more of the substaintial government intrestof securtity" order and rehilibilitation.

20. The City Of New York and its employees, agents and servants do not reserve the right to determine when the plaintiff can send out out going mail, who he can sedn out going mail to and what he is saying to those he is sedning out going mail to especially when that mail is legal in nature and obtaining exculkaptory evidence and defesne startegies in a criminal matter in which the People of the State Of New York is prosecuting him in.

21. In ACEVEDO V. FISCHER, 2015 U.S. Dist LEXIS 162027, the defendnats in that case had instututed a Mail wwatch on the plaintiff and the Court still denied their summary judgement in the matter.

22. In this case the defndant(s) never instituted a mail watch onm the phaintiff and there response when the plaintiff greived the mattre was admitting reading the mail in ~~re~~agurds to the plaintiffs case and the housing unit that he was held in as if some sort of legal polciy or blanket Sùpreme Court order exist allowing such .See Legal justifcation section of Command Level Order 104/19, which is exhibit -A of the plaintiff summary judgement motion.

23. There is no issue for trail in the regards to wheter or not defendant K. Alexander read the plaintiff out-going mail without a lawful warrant, Court Order and/or NYC Docs polciy supporting his actions.

24. There is no geuine issue on wheter the defendnat K. Alexander did read the plaintiff out-going mail and 64 pieces of it because he signed mailroom logbook.

25. The only dispute involving First Amendments violation in 19-CV-3347 is whether defendant K. Alexander was ordered by defendant E. Rivera and B. Mathis to read plaintiff out-going mail. The plaintiff supported documents which were grievances stating that he informed both defendant Rivera and Mathis of what was going on in the response neither denied this taken place. Leaving the only dispute being whether defendant(s) Rivera and Mathis liable in the Mail first amendment violation of case 19-CV-3347, but no dispute in regards to defendant K. Alexander at all.

LAW LIBRARY FIRST AMENDMENTS VIOLATIONS
OF CASE 19-CV-3347

26. Exhibit- G of the plaintiff Summary Judgement Motion herein as EXHIBIT-A is a grievance and the response that the plaintiff was sent in regards to denial of full access to the facility Law Library.

27. In that grievance the plaintiff made it clear that he was a pretrial detainee preparing for trial and wanted to seek full access where he could do his own research and preparation in legal matters.

28. The response that the plaintiff was given was "Mr. WILLIAMS HOUSING AREA (9NORTH) IS A COURT ORDERED LOCKDOWN HOUSING AREA IN WHICH LAW LIBRARY SERVICES ARE AFFORDED IN THE HOUSING AREA. THEREFORE MR. WILLIAMS IS NOT ALLOWED ACCESS TO THE (KIOSK) WHICH IS PHYSICALLY IN THE LAW LIBRARY AS PER NORTH TOWER LAW LIBRARY 9 NORTH SERVICED (5) DAYS A WEEK AND THEIR PROTOCOL IS FOR 9 NORTH INMATES TO SIGN THE SHEET FOR WHAT THEY WILL LIKE TO BE RESEARCHED AND THE LAW LIBRARY COORDINATOR WILL RESEARCH IT AND THE LAW LIBRARY COORDINATOR WILL PROVIDE THE PAPER WORK TO THE".

29. This fashion is and the response in total disregard to the fact that in order to research something for any person one must include specifics of the alleged incident in order for one to properly research.

29. This denial of the facility law library addresses two violation of the First Amendment and Fourteenth Amendment:

30. The plaintiff Court Order does not restrict him from the facility law library at all. The plaintiff Court Order does not list any restrictions for Law Library at all. Again See exhibit - B of the plaintiff Summary Judgement motion.

31. Furthermore it is construed that the plaintiff was denied this full access because of the housing unit he was housed in and the Command Level Order that Governed the housing unit, which was CLO 104/19 and can be seen in exhibit-A of the plaintiff's Summary Judgement for review.

32. This command level order state that the plaintiff will not be allowed to the facility law library but does not state reason why. This document is the POLICY that was used in denying the plaintiff access and is determined to had been a "CUSTOM" policy one that was illegally instituted

33. Exhibit- Q of the plaintiff's Summary Judgement Motion seen herein as EXHIBIT-A addresses this denial whereas the NYC Board of Corrections stepped in some year and four month later after the plaintiff grievance on the matter which was 04/04/2019. The Board of Corrections Director Mr Bennet Stein interviewed the plaintiff directly in regards to this matter and also spoke with the ADA on the plaintiff's criminal case who instituted the Court order Mr Ernest Chin.

34. In his letter addressed to the plaintiff dated Oct 26, 2020 seen in exhibit-Q of the plaintiff summary judgement motion Mr. Stein explains that the plaintiff Court Order does not restrict him from the law library and included an email between himself and ADA Ernest Chin where Mr Chin made it clear that the Court Order wasnot intended to restrict the plaintiff from the facility law library.

35. This was a factor that NYC Docs officials such as Security Deputy Warden defendant Elyn Rivera and Security captain Benard Mathis who were the MDC Officials over this are of 9 north which was the housing unit that the plaintiff was in.. There was never any documents, rules, directives restrictions on the plaintiff from the law library except the unlawful blanket Policy of CLO 104/19 in which Mr Stein formally addressed in his letter dated Oct 26, 2020, but if you look in the footnote under Nop. 2 on page 2 Mr Stein clearly states that BOC staff met with jail leadership to develop a solution in that jail leadership failed to provide legal research capabilities as a result of said meeting.

36. This supports further that the matter of first amendment violation of denial to the facility law library was a matter in which MDC NYC Docs staff was aware of but did nothing on correcting the issue.

37. In weighing the rights of a pretrial detainee against the interest of the prison "there must be mutual accommodation between the institutional needs and objective and the provision of the [C]onstitution that are of the general application" WOLFF V. McDONNELL 418, U.S. 539, 556. 41 L. Ed. 2d 935, 94 S.Ct. 2963(1974).

38. The second prong of the violation of denial of the law library is the fourteenth amendment violation it present. The plaintiff was restricted from the facility and/or NYC Docs law library services without being afforded a hearing and opportunity to present evidence in support of why he should be allowed to facility law library. This matter and denial of the Due Process clause of the fourteenth amendment. See WOLFF V. McDONNELL 418, U.S. 539, 41 L.Ed. 2d 935, 94 S. Ct. 2963 (1974).

39. NYC BOARD OF CORRECTION minimum standards on access to the Law Library and legal supplies states in Section § 1-08 (g)(2) " PRISONER SHALL HAVE

REASONABLE ACCESS TO TYPE WRITER, DEDICATED "WORD PROSESSOR" AND PHOTOCOPIES FOR THE PURPOSE OF PREPARING LEGAL DOCUMENTS".

40. This polciy and clo 104/19 are in direct confloct of one anther and both and/or neither were explained to the plaintiff when he was submitted to hsouing unit 9 north as which one held more merit over the othere. Agian the defendnat(s) failed to state any legitmate penological interst in denying the plaintiff frombeing able to conduct his own legal resrech wheter in the matter of his criminal case or civil cases

41. If there was any misunderstanding in regards to this matter, NYC Docs officials had the opportunityto correct and/or seek clarification from BOC in Apruil of 2019 when NYC Baord Of Correction staff first met with MDc Leadership which had to involve and include defendnat Elyn Rivera because she was the deputy Warden of the entire facility and defendnat B. Mathis who was the securityu captin directly over 9 north where the plaañtiff was housed at.[leaving liability for both defenbndats in regards to first amednemnt violation on Law Libarary denail] .

42. In this letter seen in exhibit-Q of the plaintiff summary judgement even after NYC DOCS officials to the highest level Cheif Hazel Jennings was notified of this wrongful denial the plaintiff was moved to another DOCS jail G.R.V.C. and housed in a new housing area with the same exact CLO as 104/19 just under a diffrent number which can been seen ad compared herein as EXHIBIT- F. [COMMAND LEVEL ORDER 370.20].

43. Though not the factor of this matter the creation of CLO 370.20 on Nov 2 2020 the same day that theplaintiff was was transfered to G.R.V.C. shows the total disreagrds that NYC DOs and the defendnat(s) CITY OF New York disregards for the paintiff right ssurrounding this matter .

44. Who better to clarify any misunderstandings in this matter than the Director of policy and communication of the New York Board of Corrections, but I guess that even Mr. Stein was not enough for the plaintiff's rights to be upheld and respected in this regards

45. All of the exhibits and legal argument mentioned herein this action supports that the plaintiff summary judgement should be grant in regards to this first amendment and fourteenth amendment violation as well because there exist no genuine dispute on whether the defendant(s) were wrong in regards to denying the plaintiff from full access to the facility law library.

46. This voids the defense in this matters and support the plaintiff in summary judgement.

CONCLUSION IN THE MATTER OF
ARGUMENT FOR CASE DOCKET 19-CV-3347

47. In their motion for summary judgement the defense states and admits on page three ¶ 2 that the defendant K. Alexander did intend and fact read the plaintiff's out-going mail from Jan - throughout March of 2019. In the foot notes of page three the defense state that defendant K. Alexander collected and logged other inmates mail 97 in total which supports the plaintiff's argument that a Custom Policy did exist from the defense own words as all the other inmates mail was being read also by K. Alexander.

48. On page fifteen of their summary judgment motion in ¶ 1, the defense make an argument that Defendant K. Alexander was justified in reading the plaintiff mail. In ¶ 2 of page fifteen the defense makes an argument that because the plaintiff was ICR from an incident some 7 years prior to 2019 that the defendant K. Alexander was justified in some way in reading the plaintiff's mail.

49. Exhibit-- C of the defense summary judgement doesn't list a mail restriction on the plaintiff's Court order, Supporting the plaintiff case that the Criminal judge and ADA on the plaintiff did not intend for the plaintiff mail to be read going out. Defendant K, Alexander is not actively part of any criminal investigation into the prosecution case nor did the defense state any legitimate belief that the plaintiff was involved in a particular criminal act.

50. In exhibit-H of their summary judgement motion the defense used a section of the Correspondence Directive in efforts to curtail the court from reviewing the entire policy governing this matter. In exhibit -D of his summary judgement motion the plaintiff listed the entire "INMATE CORRESPONDENCE" Policy for the court to review. On the first page of this policy in the fourth paragraph listed C., it states that "INMATE CORRESPONDENCES SHOULD BE HANDLED IN ACCORDANCE WITH THE GUIDELINES AND PROCEDURES SPECIFIED IN THIS DIRECTIVE", clearly meaning that all inmates even IRC inmates mail should be handled using this Directive as a guideline in such.

51. On Page two ¶'s 3 and 4 IN LAYS OUT THE FACT THAT ALL INMATES MAY COMMUNICATE WITH any person except when there is a reasonable belief that limitation is necessary to protect the public's safety. The defense failed in stating what reasonable belief that someone's safety was attached to the need to read the plaintiff's outgoing mail.

52. The 4th ¶ on page two starts off stating "THERE SHALL BE NO CENSORSHIP OF ANY MAIL EITHER TO OR FROM INMATES, UNLESS AUTHORIZED BY THE WARDEN AS NOTED IN SECTION 1V." The defense failed here to show that the plaintiff had had a Mail watch authorized by the warden of the facility in this matter. The stated in DAVIS, 320 F.3d at 351 (quoting WASHINGTON, 782 F.2d at 1139), THAT THERE MUST BE GREATER PROTECTION ON LEGAL MAIL THEN NON-LEGAL MAIL AS WELL AS GREATER PROTECTION ON OUT-GOING MAIL THAT THERE IS ON INCOMING.

53. On page three ¶ 4 - 8 OF THE directive on inmate correspondence, it lays out the guidlee neded to be in place before reading any of an inmates mail . . It states that the Warden written order shall state the specific fact and reason supopporing the determination to reading out-going mail

¶ 5. In ¶ 4 listed as being no 2. it states "ACOPY OF THE WARDENS WRITTEN ORDER TO READ OUT-GOING MAIL; MUST PROMPTLY BE PROVIDED TO THE CHEIF OF FACILITY OPPEREATION AND PLACED ON FILE IN THE FACILITY SECURITY OFFICE".

54. This is a neccesity that never took place in the plaintiff case in the defense within there summary judgement motion basically asks the court to view the defendnat K. Alexander as a correctional officer, a Judge, a investigator, a warden and a NYC Doc Cheif of operation all in one in order to somehow disregard all polciy, directors, procedure and legal statue just to aviod civil litigation in the action of K. Alexander.

55. The most importasnt thing in the violation alleged by Defendnat K. Alexander is that the defense asks the court to disregards the most sacried right that any one citize has whihc is the right to DUE PROCESS of the Fourthteenth Amendment which is alos stated within the correspondece directive on page 3 paragraph number as 4., which states the following: "THE AFFECTED INMATES SHALL BE GIVEN WRITTEN NOTIFICATION OF THE DETERMINATION AND SPECIFIC FACTS AND REASONS SUPPORTING IT BY SIGNING SECTION 2 OF FORM #4001A.

56. THE FORM IN QUESTION CAN BE SEEN IN THE BACK OF THE DIRECTIVE A FORM THAT WAS NEVER GIVEN TO THE PLAINTIFF BECAUSE THERE WAS NEVER ANY WARDEN DETERMINATION SUPPORTING THE ACTS OF DEFENDNAT K. ALEXANDER.

57. Another legal avoidance by the defense in their summary judgement exhibit listed as Exhibit- H is the fact that they purposely left out the Directive listed Correspondances

58. The title of the Exhibit listed as defense H states that it governs the "RECEIVING AND SENDING OF INMATES PACKAGES", not the mail. The material in this case is not that of a package but that of legal mail which is governed by the Inmate Correspondence directive as seen in exhibit- D of the plaintiff's summary judgement motion. There is no way that the defense could have overlooked this factor and it also will go in supporting the plaintiff "RETALIATION" claims which he will address later in regards to case 19-CV-8737 and 20-CV3992, where the plaintiff will show the pattern of NYC and NYC Docs defendants when punishing the plaintiff and using legal tactics to further their agenda in relation to escaping civil litigation.

59. Page 9 of the correspondence directive seen as exhibit-D of the plaintiff's Summary Judgement motion herein as EXHIBIT-A ¶ 2 number as 8. states the following: " ALL POLICIES, GUIDELINE, PROCEDURES, RESTRICTIONS AND CHANGES ISSUED BY THE DEPARTMENT CONCERNING THE INSPECTION OF MAIL BY INMATES IN GENERAL POPULATION, SHALL ALSO APPLY TO MAIL RECEIVED BY INMATES IN PUNITIVE, SEGREGATION, CLOSED CUSTODY AND ANY OTHER SPECIAL STATUS".

60. The plaintiff's court order status fits into and/or under that "SPECIAL STATUS, or CLOSE CUSTODY status, but the directive/policy on this matter leaves no room for the legal argument in which defense counsel brings forth in that any inspection involving inmates mail, "the Plaintiff's Mail" need to have been done so within or following these guidelines of this policy to be deemed sufficient and legal.

61. In exhibit- J of their summary judgement motion the defense attempts to allude to a Operation Order as a legal justification for reading the plaintiff's outgoing mail, but this operation order does not list state or highlight "MAIL" as one of the privileges of an inmate. Nor does defense list any state law supporting their argument in that aspect either.

62. Lastly in exhibit- M of their summary judgement motion defense list the mailroom log book which will also play a role in tampering claims later herein this reply, as being and showing all pieces of mail of the plaintiff that was processed by defendnat K. Alexander.

63. In this exhibit it shows that defendnat K. Alexander lsuited the mail, the plaintiff name and even who the mail was addressd to such as NYC DOC, Record access officer, Laura Mello, foil officer, David barret, Civil complaint review baord, clerk of the court, NYPD Sgt , NYPD Foil unit, NYS Division of CJS, John Salvatore esq, Coorectional health servøtes, experian, transunin. exquifax, U.S. district court and more that the defendnat K. Alexandre read of the plaintiff's mail.

64. The plaintiff never stated that he only observed defendnat K. Alexandre reading his mail once, the plaintiff simply answered defense counsel question in reagrds to "one" of the occassion where defendant ^{Alexaander questioned Plaintiff} in regards to something that he was stating to his wife in a letter.

65. A Correcctional officer task with the respoonsibility of watching over a detainee awaiting trail in a criminal matter can not act and conduct themselfe in a fashion as that ofd an investigator in regards to that criminal matter, unless he/she is deputized to do so by Law enforcement , a judge or district Attorney and that was not the case in this matter.

66. As in pursuant to Fed R. 56.1(e) the plaintiff request that the Court grant summary judgement in favor of First Amendmemnt and Due Process violation in regards to denail' of law Libarary services whereas the defense failed to properly support and address a fact in regards to why the plaintiff was restricted from this service,

67. Rather the defense attempted to simply state that the plaintiff was not injured by such denial which is not enough to defeat Summary Judgement in this case.

MAIL TAMPERING AND INTERFERENCE FIRST
AMENDMENT VIOLATION IN REGARDS TO CASE 19-CV-8737

68. IN the case docket of 19-CV-8737 the plaintiff explains how CO Martinez and Mailroom civil T. Green interfered with his mail, but in there summary judgement motion defense failed to list any legal arguments in support of this matter .

69. The plaintiff reminds the Court that it was the defense and not himself who made application to the Court to combine each of the complaint because they believed that they were all related in nature. This means that the defense bears that same burden when times comes to produce legal argument and case law in support of there position on every matter and factor mentioned within each complaint.

70. So for this matter the plaintiff request summary judgement in 19-CV-8737 in regards to first amendment violation and due process violations in reference to his mail being tampered with by Defendant CO Martinez and Civilian T. Green on the basis that the defense failed to properly address this violation and/or produce legal argument and case law directly in pursuant to their defense on that particular matter.

71. Federal Rule 56(e) statute states that summary judgement should be granted in the favor of the movant if (1) a party fails to support an assertion of fact or (2) fail to properly address another party's assertion of fact as requested by Rule 56(c), the court may grant summary judgement.

72. nevertheless the plaintiff will highlight to the Court that in his summary Judgement and through 19-CV-8737 he presented evidence in support of his allegation in the conduct of CO Martinez and Civilian T. Green.

73. In EXHIBIT-A herein which is the plaintiff's summary judgement motion submitted to the Courts, in exhibit-F of that summary judgement the plaintiff supported as evidence in support of his claim a foil request return in regards to copies of the housing unit log book on July 2, 2019, where defendant CO Martinez documented by her own hand writing and logbook entry that "CO MARTINEZ 1769 ON POST THIS WRITER HAS "GIVEN BACK" INMATE ALEXANDER WILLIAMS 1411801632 (5) PIECES OF CERTIFIED MAIL ADDRESSED TO MOS, AS PER SAID INMATE REQUEST LETTER ADDRESSED TO MICHAEL COLEMAN 44 COURT STREET, SUITE 906 BROOKLYN NY 11201 HAS BEEN SENT OUT".

74. Throughout this proceedings as well as within their own summary judgement motion the defense never lay any defense in support of this claim and violation by defendant CO Martinez. The defense failed to address this claim made by the plaintiff as well as to produce any legal argument and case law in support of their position in this matter or produce any restrictions, court order, warrant, policy that supports the action of the defendant CO Martinez.

75. The Court stated in regards to this matter that " INTERFERENCE WITH LEGAL MAIL IMPLICATES A PRISON INMATES RIGHTS TO ACCESS TO THE COURTS AND FREE SPEECH AS GUARANTEED BY THE FIRST AMENDMENT AND FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION". SEE DAVIS V. GOORD, 320 F.3d 346, 351 (2d Cir. 2003).

76. The plaintiff easily passes the burden of showing that this tampering and violation of First Amendment rights was not a single isolated incident by way of case 19-CV-337 which was filed before 19-CV-8737 alleging defendant K. Alexander tampering with 64 pieces of legal mail out-going of the plaintiff's as well as 20-CV-3992 where as being filed after the matter with CO Martinez where the plaintiff shows that his mail was continually tampered with.

77. This factor also supports that the p-laintiff was being intimidated and threatened as a witness in regards to civil litigation which is part of the retaliation claims. The defendant(s) actions without cause from the plaintiff held an affect that defendant(s) nor the defense counsel has taken into consideration rather than just searching for legal loop holes to jump through when looking to defeat the plaintiff allegations.

78. The plaintiff explained in his complaint listed as 19-CV-8737 that mail from civilian defendant T. Green gave notice that his out-going mail legal in nature was not going to be leaving the facility because it was a lawsuit(described the nature of the suit) because security had it in there office.

79. The plaintiff explains that was how he initiated his grievances and got into the matter which lead to defendant CO Martinez returning mail on July 2 2019, which shows that if not he complaining that there was not intention to notify him in regards to the interference and seizure of his mail which had been done there since approximately June 22, 2019.

80. So defendant T. Green acted as notification in the seizure of the mail belonging to the plaintiff whereas MDC Officials never gave notice. There can be no Legitimate Penological interest in the mail itself because it was all legal mail in which CO Martinez documented as being M(1) piece addressed to Corporation counsel as plaintiff submitted exhibits as photos of the envelopes and the last and 5th pieces addressed to an attorney Michael Coloehn as she documented.

81. The courts established that the First Amendment protects an inmates "right to the free flow of incoming and outgoing mail", See DOLBERRY V. LEVINE, 567 F. Supp. 2d 413, 419 (W.D.N.Y. 2008)

82. There is no legitimate reason and/or defense that the defense

counsel can offer the court in regards for why after being served in docket 19-CV-3347 months later the plaintiff legal mailin being withheld by defendnat Martinez and civilian T. Green in case docket 19-CV-8737. That if why defense counsel failed to address such violatoh - because there is no legal address that can be made in the matter.

83. The fact that defendnat T. Green was able to inform the plaintiff of what the nature of the mail that was being withheld was in regards to only supports the fact that defendnat T. Gren played some role in the violation. This supports the plaintiff criteria of reaching the burden of displaying that defendnat T. Green did play some role in violation which is all that is needed when the defense fails to proeprly address and/or present legal argeuemnt in support of their opposition against plaintiff in regards to defendnat T. Green.

84. The plaintiff is hereby willing to accept dismissal in the regards to Defendnat's CO Ramirez in 19-cv-3347 and defendant(s) Grievance officer Padilloa in 19-cv 8737.

MAIL TAMPERING AND INTERFERENCE FIRST
AMEDNMENT AND DUE PROCESS VIOLATIONS
IN BOTH 19-CV-8737 & 20-CV-3992

85. In this case of 20-cv-3992 the plaintiff first amednment violation where in regards to (1)CO Sandra Espinoza, (2) ADW Harvey, (3) Captin Goritz, (4) CO WELLS, directly and all other defendts indirectly.

86. In exhibit-N of the plaintiff summary judgement motion herein as EXHIBIT-A in response to his handling of his mail grievance the plaintiff was told that MDC order#104/19 dtermine who and how his mail would be handled.

87. The plaintiff's brings the Court attention back to exhibit-Q of that same summary judgement which is the letter from the Director of polciy and communication Mr Beennet Stein of the NYC Board of Corrections, who stated that that CLO 014/19 governing the plaintiff housing unit added restrictions against the plaintiff that was not listed within his court order and was wrongfully instituted as a blanket polciy. This language amount to what is called a Custom Polciy in totality.

88. This statement and all of the exhibits provided in the defense summary judgement motion primariliy exhibit-M which is the plaintiff's EXHIBIT-G herein shows that correctional staff who dealth with the plaintiff's mail while housed in MDC 9north unit.

89. In seperate matter that involved the mail tatics of MDC solely in regards to defendnat CO Sandra Espinoza when another court order inmate named Randy Swionson submitted an Article 78 in New York Coo how his mail was being opned and sent to him in brown paper bags in stead of in his faee/presence Defendnat Sandra Espinoza entered a statement as an affidavit seen eherin as EXHIBIT-H.

90. In this statement Defendnat Sandra Espinoza states that she is currently assigned to mailroom at MDC and that she herself performs the mail for this inmate (RANDY SWINSON WHO IS COURT ORDERED) in a perfeessional manner.

91. This Exhibit is entered to show that the crediability and reliability of this defendnat Sandra Espinoza is no good and that she also perjured hersleve in this manner because the defendnat(s) own exhibits _m as seen as EXHIBIT-G herein shows that defndnat Sandra espinoza has never signed for any mail in argerds to any inmate on 9 north and ever polciy that governs 9 north listed a correctional officer as mail and phone officer beside Sandra Espinoza.

92. EXHIBIT-H is used to show that all in all defendnat Sandra Espinoza is the person that control all aspects of the facility mailroom in regards to all mail as she stated in her own affidavit in Index No 100465/2020 that she filed iwth the Clerk of the Court in New York County on 12/14/2020.

93. There is no tampering with the plaintiff's mail, no with-holding of the plaintiff's mail no opening of the plaintiff's mail if defendnat Sandra ea professional manner in which she stated within her affidavit seen in EXHIBIT-H herein.

94. In all instnce and throughout each case 19-cv-3347, 19-cv-8737 and 20-cv-3992 there is no way that the plaintiff mailcould have reached the hands of some of the other defendnats without the role of defendnat Sandra Espinoza in her own words as seen iun EXHIBIT-H.

95. Furthermore the defense has failed to address and proepley present legal arguement in pursuant to defendnat(s) Sandra espinoza, ADW Harvey, CO WELLS, Deputy warden Bailey deputy warden Galloway and warden BIBi Saurez within thier summary judgement which favors that the Court should grant summary Judgement in plaintiff's favor in pursuant to Fed Rule 56(e).

96. In no instance in regards to the alleged violation mentioned with 20-cv-3992 was the plaintiff affoprdded Due Proqess by way of being afforded the notification as to why the issue with his mail existed and a hearing to present evidence in why his position was legal and righful.

97. When the plaintiff utilized social service services to access his own funds to send legal mail out certfied where it could be tracked and traced the Defndnat(s) instituted a blocking systeme and then gave the plaintiff no way of sending his mail in a traceable fashion.

98. This ultimately was the cause behind the USE of FORCE involving defendn GOritz which will be addressed later on.

99. The defense gave no legal argument in why the plaintiff was denied using his own funds to send mail out of the jail in a tarckable fashion and whenever the plaintiff grieved the matter the resoponse was always blanketing by that of "CLO 104/19". Which has alrady been determine to had been wrongfully instituted against the plaintiff by Defendnat CITY OF NEWYORK very own New York City Baord or Corrections directo Mr Bennet Stein.. See exhibit-N of plaintiff's money judgement in regards to the response he was given when attempted to access his funds for certified mail sending.

100. In GILL V. PIDYPCHAK, 389 F.3d 379, 380-81 (2d Cir. 2004), the Established that the Correction officials may not take action that would have a chilling affect upon inmates exercise of FIRST AMENDMENT rights. See id. at 381-83. Because of the relative ease with which claims of retalaitio can be incanted, however, Courts have scrutinized such retaliation claims with particular care.

101. But in this case 20-cv-3992 the defense never leads legal arguement in support of the sudden change in how the plaintiff was able to access his own funds to send legal mail out of the facility after so many diffrent grievnaces / complaints and civil suit filed with supporting documentation in regards to MDC officials and some of the defendnatnamed herein playing a role in preeventing the plaintiff legalmail from leaving the facility.

102. The second Circuit defines "ADVERSE ACTION" OBJECTIVELY, AS RETALITORY CONDUCT 'TRAT WOULD DETER A SIMILARLY SITUATED INDIVIDUAL OF ORDINARY FROMNESS FROM EXERCISING... CONSTITUTIONAL RIGHTS.'" GILL, 389 F.3d at 381 (quoting DAVIS, 320 F.3D at 353, superceded by 2003 U.S. App LEXIS 13030, 2003 WL 3600563 (2d Cir FEB 10, 2003)). that adverse action in this case was the

sudden change in MDC Policy instituted by defendant Elyn Rivera once the courts got involved in attempting to prohibit the plaintiff's contact and/or ability to track mail sending to the court to ensure that it actually was sent out of the facility.

103. To prevail on a retaliation claim under 42 U.S.C. § 1983, a plaintiff must prove by the preponderance of evidence that : (1) the speech or conduct at issue was "protected", (which accessing the court has always been a protected right for a prisoner), (2) THE DEFENDANT(S) TOOK "ADVERSE ACTION" AGAINST THE PLAINTIFF; (WHICH WAS THE SUDDEN CHANGE IN POLICY THAT LEAD TO DENIAL OF SOCIAL SERVICES THAT WAS USED TO ACCESS HIS FUNDS TO SEND LEGAL MAIL OUT CERTIFIED RETURN RECEIPT); AND (3) THERE was a causal connection between the protected speech and the adverse action--in other words, that the protected conduct was a "substantial or motivating factor" in the defendant(s) decision to take action against the plaintiff, See MOUNT HEALTHY CITY SCH. DIST. Bd OF Educ. V. DOYLE 429 U.S. 274, 287, 97 S. Ct. 568, 50 L. Ed. 2d 471 (1977); GILL, 389 F.3d at 380 (citing DAWES, 239 F.3d at 492).

104. In showing further support of the defendant City Of New York as well as the other defendant(s) motive and punishment supporting retaliation against the plaintiff.

RETALIATION CLAIMS SUPPORT:

105. The plaintiff commenced his first claim 19-cv-3347 in April or so of 2019. This claim was in regards to mail and law library claims.

106. In April of 2019 the plaintiff had a issue with a CO Fasta in which he commenced a state claims in regards to. When commencing this state claim pro-se the plaintiff was ordered by a state judge to serve notice

upon the defendnat(s) himself unlike federal court. Once the plaintiff statred this litigation all of the retaliatory conduct commenced whereas as , as seen in 19-cv-8737 where defendnat Martinez documented that she withheld plaintiff's mail because it was addressed to MOS (meaning memembr of service) for department of Corrections staff.

106. A copy of this order from the clerk of the court could be seen herein as EXHIBIT-I.

107. In their summary juegdment motion the defense never addressed this matter nor throughout these proceeding has they ever laid any defense as to why CO Martinez blantly withheld plaintiff legal mail containg Summons and Complaint because it was addressed to MOS.

108. Defendnat CO Martinez own words and hand written supports that retalia against the plaintiff where she stated exactly what plaintiff complaint states in totality. Which was that the plaintiff mail was hedl because it was addressed to MOS.

109. The defense counsel never alludes to any law,statue, NYC Department of Correction polcies, directive even a facility memorandum that states and support that an inmate detainee within a specific facility can not send a Notice of Summons and Compliant to a Correctional Officer that works at the same facility.

110. Minus this position minus this polciy, this statue this diurective the defense can not opresent any logical purpose in Defendant(s) CO Martinez holding the plaintiff mail.

111. The plaintiff recently discovered a sepearte matter in whihc could show and support retaliation claims in this case.

112. In the month of April 2020 the plaintiff filed an Article 78 with the New York County supreme court challenging the command level order 104/19 since it seemed to have been the root of all of his complaint via response he received whenever he grieved a matter. The index Number for this matter was 100464/2020.

113. On Feb 27, 2021 the plaintiff received a decision from the honorable judge John Kelly in regards to this ART 78 and said decision could be seen herein as EXHIBIT-J, where as the respondent NYC Dep't of Correction and warden of MDC filed response claiming that the plaintiff's ART 78 issues were moot because he no longer was detained in that facility.

114. At that point the plaintiff understood why he was transferred and moved to G.R.V.C where the same exact CLO that he challenged in said Art 78 was governing his housing unit as seen in EXHIBIT-F herein, that respondent NYC DOCS officials moved him as (1) punishment and (2) as a way out of negligence in civil litigation surrounding the same exact CLO that Bennet Stein informed DOCS was violating the plaintiff's right as seen in exhibit-Q of his summary judgement.

115. The plaintiff filed a appeal in response to this matter displaying the retaliation and legal plot in attempt to escape negligence see EXHIBIT-K herein.

116. The Court has established that an inmate can not be transferred to punish him for filing a law suit, See THADDEUS-X V. BLATTER 175 F. 3d 378 (6th Cir., 1999).

117. From the well detailed list of grievances and denial of services the plaintiff has established a fact that there existed a "CAMPAIGN OF HARRASSMENT AND RETALIATION" against himself as displaying and supporting his retaliation claims which the courts have stated is needed in supporting such See CALHOUN V. HARGONE, 312 F.3d 730 (5th Cir. 2002).

CUSTOM POLCY SUPPORT AGAINST DEFENDANT'S
CITY OF NEW YORK FOR 19-CV-3347, 19-CV-8737
& 20-CV-3992

118. In the matter of 19-cv-3347, defendnat K. Alexander is an correctional officer which falls under being an agent, servant and/or employee for the city of new york.

119. It is obvious by his conduct and the defense arguement in attempts to state that since the plaintiff was IRC or a Court Order inmate that defendna K. Alexander relied on what he belive to be a legitimate polciy in CLO 104/19 and memorandum of the security unit within MDC to read plaintiff's mail before allowing it to go out.

120. If the defense belived in their own theroy in this matter and in the defense that they presented in this case then defendnat K. Alexander would not have been removed from his post because of his actions and all the other correctional officers that replaced him such as CO Bathe, CO Vega, CO Semple, CO Santos and CO Aristide would have also been reading the plaintiff' and other court order inmates mail before allowing it to go out.

121. If what defendnat K alexander did was not wrong and within the guidlines then why would NYC DOCs officials stop practicing a policy that was correct after the plaintiff commenced his civil litigation.

122. If that was not good enough proof in support of the plaintiff's position then the Court need to look no further then the letter from Bennte Stein who the defendant(s) CITY OF NEW YORK employs as the Director of "POLOICY & COMMUNICATION " as the over watch agency the BOARD of CORR for NYC DOCS and determining polcies and standards in dealing with pre-trial detainees in all city jails. In Exhibit-Q of the plaintiff's summary judgement the Court saw a letter from Mr Stein informing NYC DOCs officials that the

CLO (command level order) that governs the housing unit that the plaintiff was in 9 north violate minimum standards and also violated the plaintiff's right by adding restrictions upon him that was not specified within his Court Order, then Mr Stein included a email from ADA Ernest Chin who applied for the Court order in criminal court who clearly stated the Court order was not intended to restrict the plaintiff from Law library for research purposes.

123. So for making their determination the Court need to look no further then the defendant(s) CITY OF NEW YORK and its own inner agency's director letter stating such policy being wrongfully imposed. This voids the defense counsel of any legitimate defense in regards to any restrictions placed upon the plaintiff at all. The Court also noticed then when the plaintiff submitted that letter to them in Nov of 2020 and made such notification to defense counsel by way of advising them to reach a agreement with the plaintiff in regards to the matter.

124. It was obvious by the defense response that the position they took was one of a " NO PAY" position which they had the right to take

125. The plaintiff does not argue the fact that the NYC Docs officials could not have in place rule and regulations governing 9 north or any other housing unit within the facility MDC or any other city jail for that matter.

126. What the plaintiff does make clear and would like to reiterate to the defense and the Court is that any policy any rule and any regulation that is imposed upon the plaintiff and any city detainee must be done so and created within the guidelines of policies and minimum standards that is first set by the nyc Board of Corrections or apply for an application of Variance to explain why minimum standards in that particular matter could not be met and then await an approval from NYC BOC officials in regards to that particular Variance application. That was not the case in this matter before the court today.

127. In MONELL V. DEPARTMENT OF SOCIAL SERVICES, 436 U.S. 658, 56 L.Ed. 2d 611, 98 S.Ct. 2018(1978), the Supreme Court established that "Local governing bodies...can be sued directly under [42 U.S.C. § 1983] for monetary, declaratory, or in-junction relief.

128. MONELL establishedd that alleging that a MUNICIPAL POLICY or ORDENCE is itself "Unconstitutional" is always suffiecient to establish the necessary cause connection between the municipality and the constitutional deprivation, because an employee's act of enforcing an unconstitutional Municipal polciy may be considered the act of the municipality itself., Id. at 694; See also PEMBAUR V. CITY OF CINCINNATI, 475 U.S. 469, 478-80, 89 L. Ed 2D. 452, 106 S. Ct. 1292 (1986).

129. The common denominator in each of the plaintiff's complaints is the Command Level Order which governed the housing unit 9 north where the plaintiff was placed at.

130. This is the same command level order that throughout this entire proceedings that the defnse has avioded addressing because as attorney's for the CITY Of New York defense counsel knows and understands that CLO implicat ion in violation in the plaintiff's rights also opens the door to class action suit from the hundreds if not thousands of detainees that were hooused under these CLO's.

131. So the defense has attempted to acttack the fact that NYC Docs officails right to creating rules and regulation are being coompromised. At arguement in which the plaintiff will address in his conclusion.

132.. Command Level order #104/19 is the polciy that restricted plaintiff's from facility Law Libarary even though the plaintiff did not have a restriction stating such as seen in exhibit-Q of the plaintiff's summary judgement motion.

133. Command Level order #104/19 polciy is the polciy that caused the plaintiff to be denied social service services to access hoss "OWN" funds to send mail out cetrtified returmn receipt mail when serving and dealing with legal paper-work.

134. Command Level Order 104/19 restrcited the plaintiff from the facility law library and the defendnats as well as NYC DOCS officials have still deneid the plaintiff law library access forcing the plaintiff tomit details involving his pending murder charges in order to get the proper case law researched which still has not worked. This is even after they were informed that this restriction is wrong and illegal per AdA Ernest Chin as well as Judge Vincent Delgudice. See exhibit-Q of summary judgement motion.

135. Command Level Order #104/19 and 307/19 are municipal polcies and that Custom has caused the plaintiff's injury. BD. OF CNTY. COMMR'S OF BRYAN CNTY V. BROWN, 520 U.S. 397, 403, 117 S. Ct. 1382, 137 L. Ed 2d 626 (1997)(internal citation omitted); See also CONNICK V. THOMPSON, 563 u.s. 51, 131 S. Ct. 1350, 1359, 179 l. eD 2D 417 (1011)

136. This housing unit has always had a CLO of this sort like CLO #104/19, (housing unit 9 north) or CLO 307/19, governing it, ~~for~~ at least the two years that the plaintiff was housed and held there.

137. The comannd level order's were so persistent and wide spread that it affected all of the inamtes inclduing the plaintiff that was housed there doing this time period and before an acted as an official polciy in MDC.

DEFENDANT(S) CITY OF NEW YORK FAILUR IN TRAINING ANS SUPERVISING:

138. The Courts detemined in CONNICK, 131 S. Ct. at 1361, THAT A CITY CAN BE HELD LIABLE FOR A SINGLE instance of misconduct by a low-level employee, if, under the circumstances, the unconstitutional consequences

of a failure to train or supervise were "PATENTLY OBVIOUS".

139. This is the case in the matter of defendnat(s) K Alexander in 19-cv-3347 and defendnat(s) CO Martinez and T. Green in 19-cv-8737 as well as defendnat Sandra Espinoza in 20-cv-3992.

140. First K. Alexander as an correctional officer had to be train that he does not have to follow an unlawful order. Furthermore defendnat K. Alexander had acces to the plaintiff Suprpeme Court Order and CLO 104/19 as both were kept in a black spiral book that was in the satation on the 9 floor where he on numerous accassion read and reviewed both the-plainteei's and read and knew that the restriction of reading the plaointiff's outgoing mail was not listed within his Supreme Court Lockdown Order. K. Alexander knew or should have been train or supervised in a better fashion then what he was, because he obviously did not know better then the conduct that he performed his daily duty in durring the time period mentioned herein the complaint.

141. This same rule of law applies to CO Martinez and T. Green in 19-CV-8737, and Sandra Espinoza in 20-cv-3992. Any person knows better then to tamper with anyones mail regardless of being a detianee or a person in the free world.

142. Sandra Esp^hinoza offered a affidavit to the Courts that was basically admitting to an act that she clearly does not perform but no supervisor prevent her from making such perjured statment and/or thought it okay because it was not involvng the instance offense. See EXHIBIT- H for refreshing if needed.

143. Clearly CO Martinez and T.,. Green did not know better then to hold an inmates mail and then document the reason as being because it was legal ored to MOS members of service that worked at the facility, where

ther existed no rule, no regulation and no policy that stated that the plaintiff could not send papers to MOS if he was detained in the same facility as the MOS.

144. In JENKINS V. CITY OF NEW YORK, 478 F. 3d 76, 94 (2d Cir. 2007); the court established that the mishandling the situation and the wrong choice by a city employee will frequently cause the deprivation of a citizens constitutional right.

145. Lastly in CANNON V. UNIVERSITY OF CHICAGO, 441 U.S. 677, 696-697 (1979), the Court stated that "THE LIABILITY OF MUNICIPAL CORPORATIONS FOR THE ACTS OF THEIR AGENT IS, AS A GENERAL RULE, TOO WELL SETTLED AT THIS DAY TO BE SERIOUSLY QUESTIONED".

CONCLUSION

146. All in all the defendnat(s) actions in reagrds to the plaintiff legal mailout-going andf leaving a facility is a serious and proetect right of any prioners or detainee as well as the plaintiff Mr. Williams.

147. The matter questioning wheter the defendnat(s) mentioned herein this reply was answered long before the defense counsel summbitted there Summary Judgement motion and long before the plaintiff submitted his.

148. The matter was settled when the City of New York who is also named as a defendnat herein this matter created the NYC Board of Corrections to create and establish minimum standrad polcies in protecting the rights of detainees and settle the proceudres inplace for polcies in which NYC Doocs personnel should enforce and follow.

149. If the Court have any confusion in rachoing it detemination you can start with reviewing NYC Baord of Corrections director of Polciy and Communication letter to the plaintiff and CC to cheif of DOC and general

counsel reminding of such as seen in exhibit-Q of the plaintiff's Summary Judgement motion which is included herein this response as being EXHIBIT-A herein.

150. It will make no sense for the NYC board of Corrections existence if the court rules that correctional personnel themselves can create and enforce policies without degrees in Constitutional law and understanding the dynamics in which particular rights of pre-trial detainees like the plaintiff are and how crucial they are in protecting and upholding the U.S. Constitution as well as New York State Constitution.

151. More importantly the NYC Docs officials creation of command level orders 104/19 307/19 or 370.20 all violate the plaintiff rights as well as the rights of any inmate in which these restrictions are imposed upon. When the Legal Justification section of these orders state that the restriction within said Order is justified by the Supreme Court Order, when those restrictions are not actual in the Supreme court order of the plaintiff it violates the plaintiff rights, Uses the honorable Judge Vincent Delguidice name in vain as well as create an environment where as any and all correctional personnel that comes in contact with the plaintiff is under the belief that all the restrictions listed in the CLO are actually that restricted by the Judge of the Supreme court when they are not.

152. Under any other circumstances the creation of such fraudulent document would be considered a penal law code violation.

153. The New York City Seal is Authorized for usage on official documentation and the command level orders are not official at all in nature.


154. The Court knows and understand the order of any Judge better than

any student of law will ever understand . The Court knows that a judges "ORDER" is to be enforced and not interputated,manipulated or modified without coming back in front of the Court before hand.

155. The defense Summary Judgement motion is a request basically asking the court to disregards this fact, to disregards another judges order and grant NYC Docs officials Cart Blanche when moving forward in this type of issues.

156 There exist a Legal Department within the new york City dep't of corrections and if there was any questions in thelegality of what docs officials wanted to do add, change, or whatever with regards to the plaintiff's Court Order, then the proper route would have been for that legal department to reach out to Said Judge Vincent Beljudice to seek guidance in how to move forward or add restriction for a legitimate penological reason. When this did not happen before adding restriction to the plaintiff status which was already determined by Judge Vincent deljudice, the defendant(s) not only violated the plaintiff Due Process rights along with other mentioned within the complaint but also committed the act of "CONTEMPT" under N.Y.S. Penal Law.

WHEREAS for all of the reason stated within this reply the plaintiff request that the court deny the defendnat's Summary Judgement motion and rule in favor of his Summary Judgement motion.


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EXHIBITS FOR THE PLAINTIFF'S REPLY

EXHIBIT - A

19-CV-3347 [JLC]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDER WILLIAMS JR ,

PLAINTIFF(S).

-AGAINST-

CITY OF NEW YORK ET AL, .

DEFENDANT(S),

PLAINTIFFS' MEMORANDUM OF LAW IN
SUPPORT OF SUMMARY JUDGEMENT IN
PURSUANT TO FED R. CIV. 56.1

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PRELIMINARY STATEMENT

1. The plaintiff brought the initial action forth under 42 U.S.C. § 1983 against the City Of NEW YORK et al, which was given a index number of being 19-CV-3347.
2. In this complaint the base of the issue was the fact that the plaintiff was not being allowed full access to the facility law library, his out-going mail was being read before he was allowed to send it out, and his complaints were being ignored, each factor being in violation of his Constitutional Rights.
3. While the above mention case was being litigated the plaintiff filed another complaint in pursuant to 42 U.S.C. § 1983 against the city of NEW YORK et al, which was given an index number of being 19-CV-8737.
4. The base of this complaint was the fact the plaintiff out-going legal mail was being censored and denied to leave the facility because it was addressed to staff that worked at the jail and other legal entities, staff was retaliating against him for his civil litigation and the facility grievance civilian was not properly filing his grievances which was denying him exhaustion of all remedies before bringing forth litigation all which were in violation of his Constitutional Rights.
5. While the two of the above mention complaints were being litigated the plaintiff filed yet another complaint with the Southern District of New York which was issued the index number of 20-CV- 3992.
6. The base of this complaint was retaliation, excessive use of force and illegal censorship of his out-going and in-coming mail, denial of adding his lawyers number to his allowed call list after being approved by the judge that issued his lock down order, being denied the right to the facility social service in order to use money from his account to send out certified mail to ensure that the recipient actually received the mail,

factors that were all in violations of his Constitutional Rights.

7. The defendant(s) filed motions with the court which the plaintiff objected to requesting that all three (3) of the matters be combined as one due to the similarities in nature and that the court litigate the three cases under the initial case number of 19-CV-3347.

8. The court ultimately honored the defendants' request and the matters were then combined as one.

9. It is important to document that the plaintiff opposed the defendants' request each time and notified the court that he rather litigate each matter separately.

STATEMENT OF FACTS:

10. Throughout the litigation the defendants has relied on the Right to read the plaintiff's out-going mail, denial of full access to the facility law library and denial of social service as being correct under a facility Command Order 104/19, herein as EXHIBIT - A.

11. The defendants has maintained that since the plaintiff is housed in a special housing unit due to being issued an **Lock Down Order** by Supreme Court judge Vincent Del-Gudice herein as EXHIBIT - B, that they reserve the right to legally engage in the activities that the plaintiff believes is a violation of his Constitutional Rights mention herein in para 10 above.

12. The defendants have denied that the defendant **CO MARTINEZ** ever tamper with and/or denied the plaintiff the ability to send out legal privilege mail as mention in complaint 19-cv-8727 as well as denying that the plaintiff's grievances were ever tamper with and/or denied exhaustion.

13. The defendants have also denied any retaliation acts that the plaintiff has claimed throughout all three of the complaints that was combined,

as well as denying the defendant SANDRA ESPINOZA ever tampering with and/or withholding the plaintiff in-coming and out-going mail, as well as denying the excess use of force claim made against defendant CAPTIN GORITZ in complaint number 20-cv- 3992.

LEGAL STANDARD FOR SUMMARY JUDGEMENT

IN PURSUANT TO FED. R. CIV. 56.1

14. The Courts have explained that the very mission of the summary judgement is to pierce the pleadings and to assess the proof in order to see whether there is a genuine need for a trial. The third Circuit Doctrine which permits the pleadings themselves to stand in the very way of granting an otherwise justified summary judgement, is incompatible with the basic purpose of the Rule. Rule 56(c) and (d) states the circumstances in which summary judgement "shall be rendered" the Court "shall if applicable" ascertain the facts existing without substantial controversy, and if appropriate "shall" enter summary judgement. THE BELOW FACTS HIGHLIGHTS THE SUPPORTING ARGUMENT FOR THE PLAINTIFFS SUMMARY JUDGEMENT REQUEST.

POINT I

PLAINTIFFS FACTS SUPPORTING CONST.VIOLATION
OF FIRST AMENDMENT

15. EXHIBIT - C is a email directly from Kings County assistant District Attorney Ernest Chin who is the ada on the plaintiff's criminal case and the ada who applied to the supreme court judge for the plaintiff's Lock Down Order herein as EXHIBIT -B, which is the foundation of the defendant's argument justifying their action in relation to the First Amendment violation brought up throughout the complaints.

16. As you can see from the answers to the questions asked by the plaintiff defense attorney to the ADA who initiated the lock down order, Mr. Cole clearly states that there is no restriction on the plaintiffs' assessing the facility law library and/or restrictions on the plaintiffs' mail and that if the plaintiff is having any issues it must be due to policies of the NYC dept of Corrections.

17. EXHIBIT - D is the policy/directive that governs the correspondences of all detainees detained in all of the city jails with the City of New York.

18. On page 2 of 17 Guidelines section (b) the directive states:

THERE SHALL BE NO CENSORSHIP OF ANY MAIL EITHER TO OR FROM INMATES, UNLESS AUTHORIZED BY THE WARDEN AS NOTED IN SECTION IV. C AND E OF DIRECTIVE OR A LAWFUL WARRANT. NO RECORDS OF CORRESPONDENCES RECEIVED BY ANY INMATE SHALL BE PLACED IN THE INMATE'S INSTITUTIONAL FILE, EXCEPT FOR A WARDEN'S ORDER TO READ AN INMATE'S CORRESPONDENCES AS AUTHORIZED BY THIS DIRECTIVE.

19. On the same page under section (C) IT clearly states that non-privileged mail shall not be read unless there is information from another law enforcement agency, the Commanding officer of the department of intelligence unit (I.U.), or the department senior staff of the rank of Warden or above that that the correspondences may contain one or more of the following:

- A. Plans for sending contraband into or out of the facility
- B. Plans for criminal activity within or outside of the facility
- C. Information, which if communicated, would compromise the security and good order of the facility and/or the safety of any person of persons within or outside the facility.

20. There is no question as to if the plaintiff's mail was read because the facility admitted to reading the plaintiff mail by stating the following :

" ON 03/25/19 THE OCGS HAS REVIEWED YOUR STATEMENT AND WAS IN CONTACT WITH MDC SECURITY TO LEARN THAT BASED ON YOUR COURT ORDER AND THE DEPARTMENTS GUIDELINES IN THE HANDLING OF INMATES CORRESPONDENCES ALTHOUGH THERE ISN'T ANY LISTED RESTRICTIONS TO WHO M YOU CAN SEND OR RECIEVE MAIL/CORRESPONDENCES THE

INFORMATION IN YOUR COURT ORDER SPECIFIES A RISK OF COMPROMISING THE SECURITY AND/OR THE SAFETY OF ANY PERSON OR PERSONS OUTSIDE OF THE FACILITY. BASED ON THESE FINDINGS THE READING OF YOUR CORRESPONDENCES /MAIL IS DEEMED APPROPRIATE"

This grievance is displayed as being exhibit - b in case number 19-CV-3347, but is herein as being EXHIBIT - E.

21. In HUDSON V. PALMER, 468 U.S. 517, 547 (1984). SEE ALSO PARRISH V. JOHNSON, 800 F.2d 600, 604 (6th Cir. 1986) the Court determined that "Any 'arbitrary opening and reading of ...mail [with] no justification - other than harrasment' may violate the **FIRST AMENDMENT**".

22. Privilage mail in itself is entitled to greater confidentiality and freedom from censorship then regular mail and 64 out of the 86 letters that was read by the defendant CO ALEXANDER, was addressed to the plaintiff's lawyers, doctors, private investigators, banks, credit reporting agencies, and even to new york city department of Corrections head-quarters loacted at 75-20 astoria blvd, queens ny. The court as stated in DAVIDSON V. SCULLY, 694 F.2d 50, 53 (2nd Cir. 1982), that outgoing privileged mail may generally be sent unopened.

23. Furthermore the Courts determined in cases cited supra note 10; see, e.g. ADMIN. REGULATIONS, No. 750 §§ V F1(d) AND V D2(b) (STATE OF NEVADA DEP'T OF PRISONS, AUG. 8, 1984); POLICY STATEMENT, MANUAL OF POLICES AND PROCEDURES, No. 02-00-105, OFFENDER CORRESPONDENCE (INDIANA DEP'T OF CORRECTIONS, DEC. 16 1983). That mail to or from [PRIVILEGED] correspondents cannot be censored. Also in LAAMAN V. HELGEMORE, 437 F.Supp. 269, 322 (D.N.H. 1977) ("correspondence from attorneys-at-law, courts, government officials ...is privileged mail, and scrutinty of it by prison officials is restricted under the **FIRST & SIXTH AMENDMENTS**); STOVER V. CARLSON, 413 F. Supp. 718, 723 (D. Conn. 1976) ("the channels of communication to and from those agencies with important and immediate responsibility for the fact of an inmates incarceration remain entirely free from prison staff surveillance").

24. In GUAJARDO V. ESTELLE, 580 F2d 748, 759 (5th Cir. 1978) the courts established that "Only a warrant based upon probable cause to believe that the correspondence contains evidence of illegal activity would permit prison officials to open such outgoing mail."

25. In this case the defendants never (1) informed the plaintiff that he was on a facility mail watch instituted by the warden of MDC; (2) obtained a lawful warrant allowing them to censor the plaintiff's outgoing mail; and (3) never had direct information of who may have been at risk and where they person may have resided when using the language inside of the Lock Down order.

26. In EXHIBIT - A Command Order 104/19 page 5 of 5 the legal justification states as Per Supreme Court Order. This means one or two things, either the facility is suppose to follow the Supreme Court Lockd Down Order of Vincent Delgudice which is seen herein as EXHIBIT- B and that Order does not state anything at all in reference to the plaintiff's mail restriction or that the facility maintains a Supreme Court Order that blankets them in their actions.

27. Minus any legal documents to support their grounds it is on the facility/prison in burden to show a compelling justification for interfering with the free exercise of the freedoms laid out in the FIRST & SIXTH AMENDMENTS OF THE US CONSTITUTIONS.

28. It is the opinion of the plaintiff's that the defendants failed to produce any justification that can/will/did reach the burden of giving them the authority to violate the plaintiff's FIRST & SIX AMEND RIGHTS as the defendnats admitted to doing in their grievance response in exhibit- b of the initial complaint 19-cv-3347 also seen herein as EXHIBIT - E.

POINT II

PLAINTIFFS' FACTS SUPPORTING THE CONST. VIOLATION
OF MINIMUM STANDARDS OF NYC JAILS AND DENIAL OF
FULL ACCESS TO A COMPLETE LAW LIBRARY

29. New York City Dep't of Corrections maintains a minimum standard doctrine in which each inmate being detain Rights must be afforded and respected in this aspect. The Board of Corrections herein called B.O.C, is responsible for ensuring that each detainee gets afforded the Rights covered under these Minimum Standards.

30. TITLE 40: OF B.O.C. ;ays out the entire Minum standard doctrine in which each facility within the jurisdiction of The City of New York is to follow; and the matter governing the Law Library can be found in section § 1-08 ACCESS TO COURTS AND LEGAL SERVICES.

31. Under Section (b) Judicial and administartive Proceedings; (1) states "PRISONERS SHALL NOT BE RESTRICTED IN THEIR COMMUNICATION WITH COURTS OR ADMINISTRATIVE AGENCIES PERTAINING TO EITHER CRIMINAL OR CIVIL PROCEEDINGS EXCEPT PURSUAT TO A COURT ORDER"

32. This explains that the plaintiffs' communication with the Courts and other legal agencies should not be restricted by any means unless it was stated so in his Lock Room Court order which is herein as EXHIBIT-B; but still the defendant CO MARTINEZ RESTRICTED THE plaintiff from engaging in this exact activity which should have been protected as mentioned in complaint no. 19-cv-8737 and was admitted to by the defendant herself when she logged exactly this in the coming out log book that she was returning out-going mail and then allowing letters going to an attorney Richard Green of 44 Court Street in Bklyn NY to go out as seen in EXHIBIT - F herein, leaving no room for legal standings minus a Court Order that supported such.

33. Section (f) in pursuant to § 1-08 access to courts and legal services under TITLE 40: OF BOARD OF CORRECTIONS, states under section (f) (4) that "EACH PRISONER SHALL BE GRANTED ACCESS TO THE LAW LIBRARY FOR A PERIOD OF AT LEAST TWO HOURS PER DAY ON EACH DAY THE LAW LIBRARY IS OPEN. UPON REQUEST, EXTRA TIME MAY BE PROVIDED AS NEEDED, SPACE PERMITTING" in pursuant to section (g) (2) it states that " PRISONERS SHALL HAVE REASONABLE ACCESS TO TYPEWRITERS, DEDICATED WORD PROCESSORS [KIOSK], AND PHOTOCOPIERS FOR THE PURPOSE OF PREPARING LEGAL DOCUMENTS".

34. The right to access to a fully operating law library by prisoners was established by the courts in JOHNSON V. AVERY, 383 US. 483 (1969); AND BOUNDS V. SMITH 430 US 817 (1977).

35. Furthermore in EXHIBIT- C herein it is stated by the Kings County Ada Ernest Chin who initiated the plaintiff's Lock Down Order that the plaintiff Order was not intended to restrict him from the facility Law library and that if he was restricted that had to be due to NYC Dep't of corrections policy.

36. The defendants has contended in there defense that the plaintiff was restricted from the facility law library by way of his Supreme Court Lock Down order; which should be deemed illegal and violation of constitutional rights if the Lock Down Order is found to not have been placed in efforts to restricting him from such.

37. The plaintiff has never recieved an misbehavior incident report inside and/or near the facility law library so he should not have been restricted by way of a ticket; nor should he have been restricted for punitive purposes because his Supreme Court Lock Down Order was not issued for punitive reason(s); nor has the defendant(s) CITY OF NEW YORK, CAPTIN MATHIS, DEPUTY ELYN RIVERA, K ALEXANDER makes this arguement in their defnse.

38. In EXHIBIT- G herein when the plaintiff complained about being denied the access to the facility the law library the defendnat(s) response was that denial was legal in pursuant to his Supreme Court Lock Down Order, which is also listed in the plaintiffs initial complaint 19-cv-3347 as exhibit- j.

39. When the plaintiff pursued his denail complaint to access to the facility law library he was written a letter from the law library civilain Mr Alou informing him that if he wanted research done that he was to follow the facility policy off calling the law library via telephone to discuss his matters to engage in legal reserach; This is supported by the letter from legal cordinator herein as EXHIBIT- H.

40. Speaking on the phone to anyone other then the person and/or person(s) named within EXHIBIT- B, which is his Supreme Court Lock Down order would be the plaintiff being in Contempt of the Judges Order and will automatically lead to further Criminal charges against the plaint.

41. Furthermore the facility informed the plaintiff to discuss the matters surrouding his criminal charges on a departmental line which is recorded with the legal cordinator so that he can research matter for the plaintiff, is fundemantal flawed when every call within the facility is recorded and stored on a data base and can possibly be harmful to how the plaintiff marshals his criminal defense in the murder charges that he is preparing for trial in.

42. Outside the arguement supported by a Court order the defendnats CITY OF NEW YORK, CAPTIN BERNARD MATHIS, K. ALEXANDER AND ELYN RIVERA have no legal standing supporting their decison to deny the plaintiff full access to the facility law library.

43. The Command Order 104/19 eherein as EXHIBIT-A bears nor legal

justification to deny the plaintiff from engaging in the activities listed herein Point II and Point I because they are protected activities that can only be barred by the existence of a Court Order and/or Legal warrant stating such directly.

44. Furthermore the Dept of Correction in the State of New York do not only hold the power and/or right to barr any detainee or the plaintiff from exercising any right given to him by the US Constitution. This is even stated on page 5 of 5 in EXHIBIT - A under the legal justification section; which amounts to the Command Order 104/19 being Unconstitutional on its face.

POINT III

PLAINTIFFS' FACTS SUPPORTING CONT. VIOLATION IN DENIAL OF THE RIGHT TO ACCESS THE COURTS BY WAY OF DENYING HIM EXHAUSTION OF REMEDIES THROUGH WAY OF PURPOSELY NOT PROCESSING HIS GRIEVANCES FILED

45. EXHIBIT- I herein is the policy/ directives that governs the inmate grievance procedures of all/any detainees being held within NYC Dep't of Corrections such as the Manhattan Detention Complex where the plaintiff was detained at during the time of the alleged violations that are mentioned in all three of the complaints that are combined into index number 19-cv3347 of the Southern District of New York.

46. EXHIBIT- J herein is the back of the grievance form being used at MDC which also lays out the **Submission and Appeals process** when filing and appealing a grievance.

47. In all of the grievances listed but not limited the plaintiff requested that the decision he was given on initial response be appealed and the plaintiff never received a response on the appeal request which prevent him from appealing the grievances to C.O.R.C prevent him exhaustion and ultimately prevent him access to the court due to lack of exhaustion.

GRIEVANCE NUMBER MENTION ABOVE:

210684, 212191, 342894, 345336, 344945, 344956, 336451, 338111, 288894, 344069, 344059, 340539, 340507, 336466, 336416, 340530, 335409, 348100, 348782, 277979, 281225, 2620776, 274126, 281259, 294345, 295244, 298306, 210220, 210058, 250204, t367/19, 210876, 204689, 210104, 245900, 238318, 238292, t374/19, 245644, 245726, 250132, 291185, 250183, 259792, 245644, 285849, 25978, 257215, 291185, 291168, 290414, 290452, 281215, 258327, 288261, 288267, 269986, 269976, 269986, 271766, 283607, 283603, 245766 and 238300.

The plaintiff has never been afforded a response from his initial appeal on any grievance that he has filed since Jan 18 2019 to Present time except for in the appeal for tablets, so please be informed that this claim covers any/all grievances listed herein and not listed.

48. The defendants has attempted to on numerous occasion make the defense argument that the plaintiff failed to exhaust all remedies before bringing forth civil litigation, the commencement of civil litigation in relations to FIRST AMMENDMENT violations need not be exhausted before hand.

49. The defendants CITY OF NEW YORK, GREIVANCE CIVILIAN A PADDILLO, JOHN HERNANDEZ, ELYN RIVERA, have maintained that the plaintiff's grievance complaint herein case number 19-cv-8737 never took place and held no merit by way of denying ~~such~~ such in their response/answer to the initial complaint.

50. Whereas the plaintiff's displaying of the facts that none of the grievances listed herein and filed throughout his time at MDC to present has ever been answered when he has requested an appeal; this supports his complaint in relations to this matter leaving the burden on the defense which can not argue a factual defense that can show legal supporting as to why the plaintiff grievances were never answered in appeal request.

POINT IV

PLAINTIFF'S FACTS SUPPORTING THE CONST. VIOLATION
OF RETALIATORY ACTIONS BY DEFENDANTS IN NUMEROUS FASHIONS

PACKAGES:

51. In 20-cv-3992 the plaintiff explains that the facility maintains a policy that all packages and/or envelopes bearing tracking numbers are opened down stairs inside of the facility mailroom outside of his presence and placed in a brown paper bag before being given to the plaintiff.

52. The defendants, SANDRA ESPINOZA, CIVILAIN T. GREEN, ELYN RIVERA, JOHN HERNANDEZ, ADW HARVEYN, CO MARTINEZ, CITY OF NEW YORK, CO WELLS, ET AL., 19-cv-3347, 19-cv-8737 and 20-cv3992 all make the argument that this is not what is taking place.

53. Herein as EXHIBIT- K is a copy of numerous receipts signed by mailroom staff when opening packages down stairs before sending brown bag to plaintiff's housing unit. Minus the proof of the defendants showing that the plaintiff was escorted down stairs to the mailroom to receive and witness the packages and envelopes bearing tracking numbers being opened in his presence the defendants can not explain how the plaintiff is receiving his mail when CO PEREZ AND CO CHARLES AS Shown as signing the receipts shown in EXHIBIT - K did work the plaintiff housing unit on the date on the receipt nor did they sign the plaintiffs' housing unit log book as being the person delivering mail on the date listed on the receipts; this factor supports the plaintiff argument in this nature.

54. The plaintiff has also grieved this matter and was told in response that doing such is what is done to inmates that are housed in housing unit 9 north due to Supreme Court Lock Down Orders.

55. Furthermore TITEL X 40 OF THE B.O.C. SECTIONS § 1-12 PACKAGES states in section §§ 1-11 AS WELL AS THE inmate correspondences directive herein as AS EXHIBIT - D both class packages coming into facility as being correspondence and governed by the same directive/policy; meaning that incoming correspondence must be open in the presence of the intended recipient unless there exist a warrant and/or Court order that states otherwise.

CONFISCATION OF DOCUMENTS:

56. EXHIBITS - L herein is grievances filed by the plaintiff on numerous occasions when defendants named herein searched his cell and confiscated legal documents without reason and without leaving the plaintiff a voucher for those documents which were legal in nature and where documents that plaintiff received from NYC dep't of correction from Laura S. Mello general counsel/foil officer from correspondence to foils is made.

DENIAL OF SENDING OUT MAIL:

57. On numerous occasions since commencement of civil litigation the plaintiff has been denied the right to send out mail by numerous correctional staff at NYC some named herein and other not. The plaintiff filed multiple grievances on this matter and neither of the grievance were ever responded to after they were sent to the head of the facility and the plaintiff appealed them see EXHIBIT - M herein.

DENIAL OF SOCIAL SERVICES TO SEND CERTIFIED MAIL OUT :

58. The defendants began to deny the plaintiff access to the social services at the facility once they became aware that that was how the plaintiff was able to use his funds in his inmate account to send out certified mail so that any/all correspondences that he sent out could be located and tracked by way of the usps tracking number that came with using certified mail from the United States Postal Service.

59. Also EXHIBIT- N herein is a grievance that the plaintiff filed when he attempted on numerous occasion to use the social service at the facility to gain access to his person belongs that was in safe keeping at the jail to send them out; the plaintiff submitted release form to security at the jail on multiple occasion and never did he receive any responses.

60. In regarding to accessing social services the plaintiff complaint is not just simply the denial but rather the fact that once the access was restricted the facility and the defendants herein never explained nor informed the plaintiff on a secure process in being able to use the social service at the jail.

EMAIL RIGHT TO CALL ATTORNEY:

61. On numerous occasions the plaintiff was denied the right to use the facility phone during recall hours to contact his criminal defense attorney Jeff Chabrowe who was on his allowed phone list as seen and explain herein EXHIBIT - O.

62. Furthermore during the time span of Jan 200 - April 2020 the defendant was denied the right to contact his other defense attorney Julie A Clark Esq, even after the judge ordered so and the district attorney Ernest Chin contacted O.S.I.U capt Alleyane on numerous occasion in regards to why the plaintiff was denied such for so long.

63. It was not until the plaintiff filed a Article 78 with the New York County Supreme Court and served article 78 on the Manhattan Detention Complex warden was the plaintiff phone list finally updated as see herein EXHIBIT- P.

POINT V.

PLAINTIFFS SUPPORTING ARGUMENT IN PURSUANT
TO CUSTOM POLICY CLAIM SECTION OF SUITS

64. Plaintiff ALEXANDER WILLIAMS REPPates, reiterated and realleges each and every paragraph of the complaints and further alleges:

65. The CITY OF NEW YORK by way of the other defendants named herein 19-cv-3347, 19-cv-8737 and 20-cv3293, while acting under color of law, engaged in conduct that constituted a custom usage, practice or rule of the respective municipality/authority, which is forbidden by the Constitution of The United States.

66. The aforementioned customs, policies, usage, practices, procedures and rules of the CITY OF NEW YORK AND NYC DEP'T OF CORRECTIONS include, but were not limited to, wrongfully reading the out-going mail of the plaintiff as the defendants admitted to do so in their response to the plaintiff grievance on the matter herein as EXHIBIT - E,

67. The aforementioned customs, policies, usage, practices, procedures and rules of the CITY OF NEW YORK AND NYC DEP'T OF CORECTIONS include, but were not limited of the wrongfully denial of stopping the plaintiff out-going legal mail as admitted by defendant CO MARTINEZ herein as EXHIBIT - F, which she admitted to by way of her own hand writing and logging such in the plaintiff housing unit on July 2 2019.

68. The aforementioned customs, policies, usage, practices, procedures and rule of THE CITY OF NEW YORK include but were not limited to not responding to the plaintiff's grievance appeal request on a hundred if not more grievances by the defendant GREIVANCE CIVILAIN A PADILO.

69. The aforementioned customs, policies, usage, practices, procedures and rule of the CITY OF NEW YORK include, but were not limited to the wrongfull denial of adding the plaintiff defense attorney Julie A clark to his allowed call list as proven herein EXHIBIT - P.

70. The aforementioned customs, policies, usages, practices, procedures and rules of the CITY OF NEW YORK, include, but were not limited to the wrongful opening and inspection of the plaintiff ALEXANDER WILLIAMS JR, as well as all/any detainees held at the Manhattan Detention Complex outside of their presence, when the directive/policy table INMANTE CORRESPONDENCE herein as EXHIBIT- D clearly states on page 9 of 17 in section V. PROCEDURES (8) "all policies, guidelines, procedures, restrictions and changes issued by the department concerning the inspection of mail received by inmates in general population, shall also apply to mail received by inmates in punitive segregation, close custody and any other special housing unit status"; SUCH AS being detainee in a housing unit for Court Order Lock down as the plaintiff is currently housed in and was housed in during the time of the event alleged in the complaints.

CONCLUSION:

71. The plaintiff herein and throughout the proceedings has more than achieved the goal of reaching the threshold needed to show the Courts that summary judgement is worthy of being honored in his favor; even though there is no mandatory need of having legal support in the area of requesting summary judgement in the claim of maintain and allowing a CUSTOM POLICY where the facts laid out in the initial complaint supports such and when the defendant(s) failed to address such claims as required in FED. R. 56.1.

72. Moreover the defendant(s) formal answer basically admits to at minimum the CUSTOM POLICY when there was no reason given why the defendant(s) failed to properly address the alleged acts and suited to give a blanket response in their answer.


73. In pursuant to the liability of the defendant CITY OF NEW YORK, the courts has established a Municipal liability claim when "a plaintiff

reached the requirements of pleading and proving three (3) elements: (1) an official policy or custom that (2) causes the plaintiff to be subjected to (3) a denial of a constitutional right". AS SEE IN TORRACO V. PORT AUTHORITY OF N.Y. & N.J. , 615 F.3d 129, 140 (2d CIR. 2010).

74. In GILBERT V. SELSKY, 867 F.Supp. 159, 166 (S.D.N.Y. 1994) a panel of Judges from this very District opinioned that a Municipal is deemed liable for the way they fail to inform employees working at a jail and train staff, employees, correctional officers, on the policies designed to avoid violation of Constitutional Rights as the rights described within the plaintiff's **ALEXANDER WILLIAMS JR**, civil complaints.

WHEREAS for the foregoing reasons the Plaintiff, **ALEXANDER WILLIAMS JR**, respectfully request that this Court issue an Order granting Summary Judgment in his favor for the amount demanded in the complaint and any other relief that the Court may deem just and proper.

DATED: DECEMBER 2020
NEW YORK NY


ALEXANDER WILLIAMS JR 1411801632
PLAINTIFF PRO-SE
MANHATTAN DETENTION COMPLEX
125 WHITE STREET
NEW YORK NEW YORK 10013

ADDENDUM FOLLOWING ON NEXT PAGES

ADDENDUM BASED ON B.O.C DECISION

75. In their response to the plaintiff's amended complaint filed with the court on 10/19/20 page 3 paragraph no 13 the defendant(s) deny the plaintiff's claim except to admit to instituting ~~Command~~Level Order 104/19 on April 12 2019, and ~~Command~~ Level Order 307/19 on November 8, 2019, subjecting the plaintiff to policies and procedures the was in violation of the plaintiff's Constitutional Rights, and was in violation of New York City DOC's Minimum Standards. SEE EXHIBIT - Q.

76. This claim is the core of the plaintiff's complaints throughout the three civil complaints which also happens to be the foundation of the defendant(s) defense through each separate complaint as the defendant(s) admit and acknowledge that the plaintiff was being subjected to said ~~Command~~ Level Order for the second time in their response filed with the Court on 10/19/20 page 4 paragraph no 15.

77. EXHIBIT - Q, clearly expresses that (1)"~~DOC~~ SHOULD PROVIDE YOU ACCESS TO LEGAL RESEARCH MATERIAL IN MANHATTAN DETENTION COMPLEX LAW LIBRARY OR, IF NOT POSSIBLE, VIA A LEXIS NEXIS KIOSK IN YOUR HOUSING AREA OR A TABLET THAT HAS LEXIS NEXIS CAPABILITIES BUT NO ABILITY TO COMMUNICATE WITH OTHER PEOPLE OR OTHER DEVICES"; This was the exactly the legal argument that the plaintiff stated in complaint 19-CV-3347 and also listed as exhibit - g herein where you will see that the facility responded informing the plaintiff in grievance no 204023 "M,R WILLIAMS HOUSING AREA 19NORTH. IS A COURT ORDER LOCK DOWN HOUSING AREA IN WHICH LAW LIBRARY SERVICE ARE AFFORDED IN THE HOUSING AREA. THEREFORE MR. WILLIAMS (THE PLAINTIFF HEREIN) IS NOT ALLOWED ACCESS TO THE KIOSK WHICH IS PHYSICALLY IN THE LAW LIBRARY", WHICH WAS IN RESPONSE TO THE PLAINTIFF'S REQUESTING DIRECTLY TO USE THE KIOSK LEXIS NEXIS TO RESEARCH ; THE defendant named in 19-CV-3347 as well as the defendants CITY OF NEW YORK, stood by this decision which lead to the plaintiff being denied to research and prepare for trial and civil

matter from jan 18 2019 - present time, which was wrong and in violation of DOC minimum standard and the plaintiff Constitutional rights as stated in EXHIBIT - Q and should squash the defendant(s) defense in the area of law library and defendnats CITY OF NEW YORK CUSTOM ~~pkaxi~~ POLICY argument supporting the request in summary judgement herein.

78. In regrads to the the matter of reading the plaintiff's outgoing mail; again EXHIBIT - Q squashes the defendnats argument as to wheter the reading was legal when EXHIBIT - Q page 2 2nd paragraph states clearly " ADDITIONALLY, DOC COMMAND LEVEL ORDER (CLO) GOVERNING YOUR HOUSING AREA DOES NOT COMPLY WITH MINIMUM STANDARDS. WHILE DOC MUST LIMIT YOUR CONDITIONS OF CONFINEMENT IN RESPONSE TO A COURT ORDER, DOC MUST COMPLY WITH ALL MINIMUM STANDARDS THAT ARE NOT LIMITED BY SUCH ORDER. (SUCH AS THE PLAINTIFF NOT HAVING ANY MAIL RESTRCITION LISTED IN HIS SUPREME COURT LOCK DOWN ORDER) INSTEAD, IN THIS CASE, IT APPEARS DOC HAS PLACED A BLANKET RESTRECTIONS N EACH PERSON IN YOUR HOUSING AREA WITHOUT REGARD TO EACH PERSON'S SPECIFIC COURT ORDER. THE BOARD OF CORRECTIONS RECOMMENDS DOC RESCIND THIS CLO AND ADDRESS EACH PERSON'S CONDITIONS INDIVIDUALLY, PURSUANT TO EACH SPECIFIC COURT ORDER"; This statement clearly support the plaintiff's summart judgement request were as in there response to the plaintiff's matter in 19-CV-3347 in regards to the reading of his outgoing correspondences the facility responded informing plaintiff that they would contine to read his out going mail due to the languag used in his supreme court lock down order even though that that Court Order did not list any such restriction. See AGAIN EXHIBIT- E HEREIN.

79. Whne calims in 19-CV-8737 & 20-CV-3992 are throughly inspected the core of the complaints stem around the plaintiff's mail being opened before given to him, inspected differently then that of an inmate in general population of Manhattan detention Complex, withneld due to the housing unit he is placed in and/or excessive use of force stemming from altercation

deriving from the plaintiff non-receiving his mail due to the Command Level Order such as in the matter with the defendant CAPTIN GORITZ, who was dispatched to the housing area by defendant SONYA HARVEY, to enforce the Command Level Order that was ultimately being instituted wrongfully as learned in EXHIBIT - Q; in grievance no's 201158 the facility response to the plaintiff's mail issue was was balked by using the HOUSING AREA COMMAND LEVEL ORDER; just as in grievance no's listed ~~as~~ as being DEF_0530, DEF_0531, DEF_0532, DEF_0533, DEF_0534, DEF_0535, DEF_0536, DEF_0537, DEF_0538, DEF_0539, DEF_0540, DEF_0541, DEF_0542, DEF_0543, DEF_0544, DEF_0545, DEF_0546, DEF_0319, DEF_0320, DEF_0321, DEF_0560 - DEF_0574, DEF_0458 - DEF_0460, DEF_0326 - DEF_0328, DEF_0329 - DEF_0331, DEF_0332 - DEF_0334, DEF_0309 - DEF_0318 and more not limited to this claim, where minus the plaintiff's court order stating anything in relations to sending and receiving mail, his mail should flow as that of a inmate in general population and not be handled by security, a recall officer, opened outside his presence or with held as in the instance in defendant CO MARTINEZ which wrong doing is not only supported in EXHIBIT- Q But also admitted and obvious by her own admission as seen in EXHIBIT- F HEREIN; SO THERE IS NO legal argument that the defense could make as to the plaintiff's correspondence/ FIRST AMENDMENT violations.

30. Moreover the defendants continued to violation the plaintiff FIRST AMENDMENT RIGHTS even after being told and/or notified by the BOARD OF CORRECTION on Oct 26 2020 via EXHIBIT - Q herein; further supporting the plaintiff's argument that the defendant(s) actions were retaliatory in nature and out right against state and federal law in relations to FIRST AMENDMENT VIOLATION MINUS the lack of Court Order and/or Lawful Warrant allowing tampering, with-holding, deflecting, mis-directing, opening outside presence any/all correspondences coming and going/leaving the facility that belonged to the plaintiff ALEXANDER WILLIAMS JR.

81. In relations to the adding substance to the denial of social service to use funds to send certified mail to and from the facility and send property home as well as using funds to take care of personal business(s) outside of the facility; when the defendant(s) restricted access to the social service services they restricted the plaintiff access to his funds and violated his FIRST AMENDMENT RIGHT, when it was explained to the defendants from the plaintiff by way of multiple grievances that he was being "DENIED SOCIAL SERVICE AND WHENEVER HE SENT REQUEST TO SECURITY OFFICE HE NEVER RECEIVED RESPONSE" which ultimately denied him the rights to send mail certified to legal and non legal recipients, send his property home as well as pay bills outside of the facility.

82. It is clear that when the defendants failed to notify the plaintiff as to a proper route and ensured that that route was secure in making social service request that it was being done just to prevent him from engaging in the protected rights mentioned in paragraph 80 and 81 herein.; see defense exhibit listed as the following for plaintiff request and/or notification seeking assistance: DEF_0350 - DEF_0351, DEF_0338 - DEF_0341, DEF_0420 - DEF_0423, DEF_0164 - DEF_0165, DEF_0168 - DEF_0169, DEF_0181 - DEF_0182, DEF_0183 - DEF_0184, DEF_0185 - DEF_0185XXX and more not list and not limited; all the instances the plaintiff issue was due to the wrongful Command Level Order that encroached on minimum standard rights of the plaintiff violating his Constitutional Rights and this violation continued after the defendants were notified of their wrong doing on Oct 26 2020 as seen herein EXHIBIT - Q.

83. When reviewing the matter of the plaintiff claim against the defendants in 19-CV-8737 in relations to the denial to exhaust his remedies by way of failing to answer the plaintiff's grievances the plaintiff would ask the Court/Judge to look no further than the defense exhibit's; DEF_0335 - DEF_0337; when the plaintiff grieved the fact that he had over 35 different

grievances in that the facility did not respond to his request for appeal so that he can ultimately appeal the issue to the BOARD OF COORECTIONSAND This greivance went unanswer, wheras strangley the exact entity NEW YORK CITY BOARD OF CORRECTIONS WHERE THE same enitity that ruled in EXHIBIT-Q THAT ruled that the issues that the plaintiff was attempting to get to the correct authorities where the issues could be rectified and the defnendants purposely ignored the plaintiff grievance knowing this.

84. More important if the Court/Judge review every grievance that the plaintiff has every filed since being housined at the Manhattan Detention Complex with the exception of the grievance in relation to the denail of the Tablet, the defendant(s) have never responded to any appeal request mae by the plaintiff as seen in every exhibit that teh plaintiff was just sent by the defendant(s) on oct 30 2020. [as being a copy of every grievance that was filed by the plaintiff from Jan 19 - Present time]

85. Eastly when reviwcing the matter of the defendnat(s) CITY OF NEW YORK MAINTAINING A CUsom policy the plaintiff would simply direct the Courts attention to the following exhibits submitted by the defendnat(s) CITY OF NEW YORK; DEF_0511 - DEF_0513, DEF_0486 - DEF_0486 - DEF_0488, DEF_0505 - DEF_0510, DEF_0517 - DEF_0518, DEF_0653 - DEF_0655, DEF_0662 - DEF_0664, DEF_0179 - DEF_0180. DEF_0448 - DEF_0452 DEF_0444 - DEF_0447, DEF_0440 - DEF_0443, DEF_0443 - DEF_0435, DEF_0430 - DEF_0432, DEF_0417 - DEF_0419, DEF_0406 - DEF_0409, DEF_0402, - DEF_0405, DEF_0398 - DEF_0401 AND many more where all essentailly relatd to Command Level Order 104/19 that governed the issue.



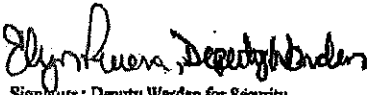
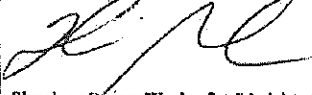
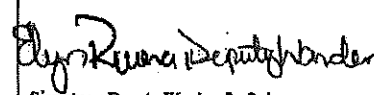

Furthermore it is clearly noticed that the defendnats CITY OF NEW YORK either allowed or was negligently unaware that the facility and its employees were wrongfully balkneting the housing unit using this Command Level Order rather then treatin the plaintiff as well as other inmates housed in housing unit 9 North court orders completely seperate

in nature. The entire existance of Command Level order supports the existance and usage of a custom policy that ultimately violated the plaintiff rights as stated herein.

WHEREAS For all the reason listed herein and more the plaintiff ALEXANDER WILLIAMS JR, request that the Courts grant summary judgement in his favor and whatever other refeif that the Court deems just and proper.

ALEXANDERE WILLIAMS
1411801632 PRO-SE

EXHIBIT - A

		<p align="center">THE CITY OF NEW YORK DEPARTMENT OF CORRECTION MANHATTAN DETENTION COMPLEX 125 WHITE STREET COMMAND LEVEL ORDER</p>			
<input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED		<input type="checkbox"/> ADMINISTRATION <input checked="" type="checkbox"/> SECURITY <input type="checkbox"/> PROGRAMS			
EFFECTIVE DATE 4/12/19		ORDER NO. #104/19 MDC		SUBJECT COURT ORDERED LOCKDOWN INMATES	
SUPERSEDES:		REFERENCE: SUPREME COURT ORDER		PAGE 1 OF 5 PAGES	
Reviewed by: ELYN RIVERA  Signature: Deputy Warden for Security		Reviewed by: TAT ANISHA BANKS  Signature: Deputy Warden for Administration		Reviewed by: ELYN RIVERA  Signature: Deputy Warden for Programs	
Approved by: SHERMA DUNBAR, ACTING WARDEN		Signature: 			

I. PURPOSE

This command level order is promulgated to establish policy and procedures for the Care, Custody and Control of the inmates under Court Ordered lockdown status.



II. POLICY

It shall be the policy of the Manhattan Detention Complex to comply with the mandates of all Court Orders dealing with inmates housed in this facility. Additionally, the restrictions imposed on "Lockdown Status" inmates by the Court supersedes any rights these inmates may ordinarily have under the Minimum Standards.

III. PROCEDURES

The inmates housed in Court Ordered lock-down areas shall be governed by the following:

- a. Twenty-three (23) hour lock-in, feed-in status.
- b. Inmates housed in Court Ordered Lock-Down areas will be allowed to possess the following property in their cell:
 1. One (1) Bible
 2. Three (3) Magazines
 3. Three (3) Books
 4. One (1) Bar of Soap
 5. One (1) Container of shampoo
 6. One (1) Toothbrush
 7. One (1) Toothpaste
 8. One (1) Plastic Cup
 9. One (1) Towel
 10. Deodorant

	EFFECTIVE DATE 4/12/19	SUBJECT COURT ORDERED LOCKDOWN INMATES	
	ORDER NO. #104/19 - MDC		

III. PROCEDURES continued

Special Security Procedures



- a. Inmates in lock-down status shall not be removed from their cells unless a Captain is present. AT NO TIME WILL MORE THAN ONE (1) INMATE BE ALLOWED OUT OF HIS CELL AT ANY ONE TIME.
- b. Whenever a Court Ordered Lock-Down Inmate is removed from the housing area, he shall be restrained in leg irons, waist chains and mitts. The Inmate shall be under one-on-one observation of a Correction Officer to assure no communication with any other inmate(s), verbally, in writing or through hand signs.
- c. During the day tour (0700x1500 hours) and under the supervision of a Captain these inmates shall be strip-searched and their property carefully searched on a daily basis. These searches will be recorded on a Random Search Form.
- d. Inmates shall dress in jumpsuits at all times, unless going to court for trial.
- e. Inmate housed in Court Ordered Lock-In areas shall not be allowed to refuse to be produced in court.
- f. The Court Ordered inmates shall not be permitted to refuse to attend court because of complaints of health problems unless the physician examining this defendant certifies in writing that the attendance of this defendant in court would likely result in serious impairment to this defendant's health. In this event, this information shall be immediately transmitted to the Central Operations Desk At (718) 546-1384.
- g. The Court Ordered inmate's accompany card shall be kept in the CMC box in the General Office.

Program/Inmate Services

Law Library/Outgoing Mail

Inmates will make all requests for Law Library materials in writing. These requests will be forwarded to the Security Office who will obtain copies of the requested materials and place same in the inmate's blue storage bin.

1. The assigned Captain will collect all letters written by the inmate. The Captain will turn the mail over to the Security Office. Under no circumstances will any inmate in Court Ordered Lockdown status be permitted to send out any written correspondence or any other type of communication.

	EFFECTIVE DATE 4/12/19	SUBJECT COURT ORDERED LOCKDOWN INMATES	
	ORDER NO. #104/19 - MDC		

III. PROCEDURES continued

Telephone Calls and Visit Privileges:

1. The court ordered inmates are barred from Visits and Telephone calls to anyone other than their attorney of record. These numbers are listed in each inmate's court order folder.
2. All calls will be placed between the hours of 1330 – 1430 hours and 1630 – 1730 hours.
3. The Correction Officer assigned to the Security Testing post shall make the telephone call using a P.I.N. Number which will be changed weekly by Security. Inmates are not allowed to know the P.I.N. numbers. The Security Testing Officer shall maintain a log of each attorney called. Such a log will detail the following information for each attempted call:
 - a. Date and Time call requested
 - b. Time call was placed
 - c. Whether or not contact was made with the Attorney
 - d. Time call ended.

Inmate Showers

Inmates will be afforded a ten minute shower, three (3) times per week. The showers are to be recorded in a shower logbook. As stated earlier, a Captain shall be present when the inmate is removed from his cell to the shower and again when he is returned from the shower to his cell. All shower activity shall be logged in the Housing Area Logbook.

Incoming Mail



Any incoming mail for the inmates housed in court ordered areas will be forwarded to the MDC Security Office. No mail shall be forwarded to these inmates until approved by the Commanding Officer of his/her designee.

Commissary

The only items inmates housed in Court Ordered areas may purchase from commissary are:

- | | |
|--------------|---------------|
| 1. Soap | 4. Toothpaste |
| 2. Shampoo | 5. Paper |
| 3. Deodorant | |

Custodial staff assigned to the housing area will complete the Commissary request form for the inmate. This shall prevent subject from communicating with commissary help. All commissary products will be thoroughly searched prior to giving them to the intended inmate. Appropriate logbook entries shall be made relative to the delivery of this service.

	EFFECTIVE DATE 4/12/19	SUBJECT COURT ORDERED LOCKDOWN INMATES	
	ORDER NO. #104/19 - MDC		
	PAGE 4 OF 5 PAGES		

III. PROCEDURES continued

Social Service

All requests for Social Services shall be forwarded to the Security Office. At no time will these inmates have any contact with Social Service personnel. Additionally, at no time will interview slips be forwarded to any Service area.

Religious Services

If these inmates request religious services, the Chaplain will be called to visit them. However, the Chaplain will first be instructed that he/she may not:

1. Communicate on the inmate's behalf with anyone other than the Warden, the Security Office, or the Court-appointed Special Master.
2. Convey any written messages from these inmates to anyone else.
3. May not give anything to or receive anything from these inmates.



Medical/Mental Health Services

Any necessary medical or mental health services are to be provided to these inmates in the housing area. They will not be removed to go to the Clinic unless it is physically impossible to provide them with necessary medical services in the cell/housing area. Mental Health services, if required, will be provided to them in the housing area, not in the Clinic.

If the inmate must be removed to the Clinic for medical services, he shall be escorted by a Correction Officer and a Captain and kept separate from all other inmates in such a manner as to assure that he is unable to communicate, in any manner, with other inmates.

Medical staff who come to see these inmates in the housing area should first be instructed that they may not:

1. Communicate on the inmate's behalf with any one other than the Warden or the Security Office.
2. Convey any written messages.
3. May not give anything to or receive anything from these inmates unless the item is necessary to provide medical services (i.e., medical supplies, medication).

	EFFECTIVE DATE 4/12/19	SUBJECT COURT ORDERED LOCKDOWN INMATES	
	ORDER NO. #104/19 - MDC		

III. PROCEDURES continued

Hospital Runs

In the event that the inmate requires hospitalization, he is to be treated and outposted at Bellevue Hospital absent a medical emergency. In the event of a medical emergency, the inmate is to be transported to the nearest hospital.

Inmate Recreation

Inmates housed in the Court Ordered area may be afforded recreation in accordance with the details delineated in the court order or as amended in a separate memo. These stipulations shall be reflected in the posted "Recreation Schedule". A Captain shall be present when the inmate is removed from his cell and returned to this cell, following the recreation period. While at recreation, these inmates shall be separated from all other inmates in such a manner as to assure that they cannot communicate with any other inmates verbally, in writing or through hand signals. These inmates will be restrained in waist chains handcuffs and mitts whenever they are out of their cells for recreation.

Appropriate logbook entries shall be made relative to delivery of this service.

CELL AREA ACCESS AND SUPERVISION

1. Civilian personnel (i.e. Chaplain and Medical Staff) must enter the cell area accompanied by a Supervisor at all times.
2. The Area Captain will conduct at least three (3) tours of inspection in the court ordered inmates cell area during each tour of duty.
3. The on-duty Tour Commander will conduct at least one (1) tour of inspection during each tour of duty. He/she is responsible for ensuring that the provisions of this order are fully complied with.

IV. LEGAL JUSTIFICATION

1. This order is justified as per Supreme Court Order.

EXHIBIT - B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: CRIMINAL TERM, PART 7

-----X
THE PEOPLE OF THE STATE OF NEW YORK,

LOCKDOWN ORDER

- against -

ALEXANDER WILLIAMS,
BOOK & CASE # 1411801632
NYSID # 01897858L

Kings County
Indictment Number
2146/18

Defendant.
-----X

WHEREAS the above-captioned defendant is before the Supreme Court, Kings County, PART 7 pending trial in the above-captioned case, wherein he is charged with Murder in the Second Degree, and other related charges, and

WHEREAS this Court has been presented with clear and convincing evidence that this defendant, has solicited the aid of other persons to threaten, intimidate, and cause serious physical injury or death to witnesses, and has been engaging in other conduct that raises serious, well-founded and legitimate concerns, that he poses a continuing, significant risk to the safety of persons whom he perceives as being potential witnesses against him; and this Court finds that the imposition of each of the restrictive conditions of confinement on this defendant that are delineated in this order is essential to protect the integrity of the criminal proceedings against him and others and to assure the safety of potential witnesses and their families, and is required in this case. It is

ORDERED that pending further written order of this Court or another court of appropriate jurisdiction:

Housing

- 1) The above-captioned defendant is to be housed in a highly secure area designated by the Department of Correction, preferably the lockdown area, on lock-in, to be separated from all other inmates in the area, in such a manner as to prevent him, to the extent possible, from communicating with or passing material to other inmates,

Visits and Phone calls

- 2) Defendant is barred from having any visits other than with his attorney, Jeffrey Chabrowe, Esq.
- 3) Defendant is precluded from making any telephone calls other than to his attorney, Jeffrey Chabrowe, at 917-529-3921. A correction officer or captain shall dial such telephone number 917-529-3921 using the defendant's PIN number. Moreover, the defendant's PIN number shall

EXHIBIT -C



Crystal Williams <tlcvisionary@gmail.com>

Fwd: Access to Law Library

1 message

jcw24@aol.com <jcw24@aol.com>

Mon, Oct 26, 2020 at 4:24 PM

Reply-To: jcw24@aol.com

To: "tlcvisionary@gmail.com" <tlcvisionary@gmail.com>

Cc: jcw24@aol.com

Pls see below.

Thank you.

Please acknowledge receipt of this email.

Julie A. Clark, Esq.
32 Court Street, Suite 707
Brooklyn, New York 11201
Phone: (718) 625-6888
Fax: (718) 625-6977
E fax: (347) 230-5464

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-----Original Message-----

From: CHIN, ERNEST <CHINE@BrooklynDA.org>

To: jcw24@aol.com <jcw24@aol.com>; bennettstein@boc.nyc.gov <bennettstein@boc.nyc.gov>

Cc: jchabrowe@gmail.com <jchabrowe@gmail.com>

Sent: Mon, Oct 26, 2020 4:21 pm

Subject: RE: Access to Law Library

The lockdown order does not specifically address mail or the law library. The lockdown order addresses phone and in person visits, restricting access to the inmate's attorneys and investigators.

The lockdown order does not address mail or the law library specifically.

Regarding opening mail, charging him for certified mail, and blocking access to the law library, that may be related to other DOC policies.

From: jcw24@aol.com [jcw24@aol.com]

Sent: Monday, October 26, 2020 1:04 PM

To: bennettstein@boc.nyc.gov

Cc: CHIN, ERNEST; jchabrowe@gmail.com; jcw24@aol.com

Subject: Re: Access to Law Library

Please advise as to the lockdown order for Mr. Alex Williams :

1. Does his order permit the jail to read his outgoing mail?
2. Does his order permit the jail to open his mail before he receives it?
3. Does the order include any certified mail that is sent out for the jail to use his funds?
4. Does the order include the jail blocking him from the law library?

Thank you.

Please acknowledge receipt of this email.

Julie A. Clark, Esq.
32 Court Street, Suite 707
Brooklyn, New York 11201
Phone: (718) 625-6888
Fax: (718) 625-6977
E fax: (347) 230-5464

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-----Original Message-----

From: JULIE CLARK <jcw24@aol.com>
To: Stein, Bennett (BOC) <bennettstein@boc.nyc.gov>
Cc: chine@brooklynda.org <chine@brooklynda.org>; jeff chabrowe <jchabrowe@gmail.com>; jcw24@aol.com <jcw24@aol.com>
Sent: Thu, Oct 22, 2020 2:02 pm
Subject: Re: Access to Law Library

Pls email the response to all on the email chain

JULIE A. CLARK, Esq.
32 Court Street, suite 707
Brooklyn, NY 11201
718-625-6888
718-625-6977 (fax)
jcw24@aol.com

On Oct 22, 2020, at 1:50 PM, Stein, Bennett (BOC) <bennettstein@boc.nyc.gov> wrote:

Hi Mr. Chin and Ms. Clark -

Thank you for the time on the phone. As discussed, Alexander Williams has filed and twice appealed a grievance regarding his access to a tablet that he can use for legal research via Lexis

Nexis. DOC currently does not allow him to go to the law library and they have not installed a law library kiosk in the housing area that would allow him to search Lexis Nexis. The Board of Correction (the City's independent oversight agency for the jails) is now considering a recommendation to DOC on Mr. Williams' final appeal.

I am just hoping to confirm whether the judge's order in this case is meant to limit access to the law library / Lexis Nexis / legal research materials.




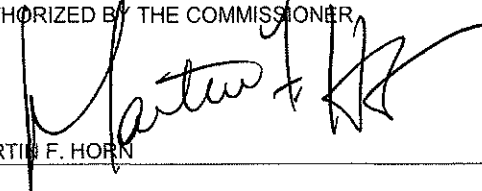
Thanks,
Bennett

Bennett Stein
Director of Policy and Communications
New York City Board of Correction
929-270-3282 (cell) 212-669-7992 (office)
bstein@boc.nyc.gov

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EXHIBIT- D

415R

		THE CITY OF NEW YORK DEPARTMENT OF CORRECTION			
<input type="checkbox"/> NEW <input type="checkbox"/> INTERIM <input checked="" type="checkbox"/> REVISED			SUBJECT		
EFFECTIVE DATE 03/16/09		*TERMINATION DATE / /		INMATE CORRESPONDENCE	
CLASSIFICATION # 4001R-B	SUPERSEDES 4001R-A	DATED 06/16/08	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DISTRIBUTION A	PAGE 1 OF 17 PAGES
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER  CAROLYN THOMAS, CHIEF OF DEPARTMENT SIGNATURE			AUTHORIZED BY THE COMMISSIONER  MARTIN F. HORN SIGNATURE		



I. PURPOSE

This Directive sets forth the policy, guidelines and procedures for the efficient handling of inmate correspondence by the New York City Department of Correction.

II. POLICY

- A. The general policy of this Directive is to insure the prompt delivery of inmate mail, thereby encouraging contact with family, friends and to support the privacy of such correspondence.
- B. The regulations stipulated in this Directive represent departmental decisions for the benefit of all inmates and for ensuring the safety and security of the facility, inmates, staff and the public.
- C. Inmate correspondence shall be handled in accordance with the guidelines and procedures specified in this Directive.
- D. The Department shall seek criminal prosecution when any item found in correspondence involves a criminal offense.
- E. The United States Postal Service (USPS) operates a program whereby matter may be sent free of charge if mailed by or for the use of blind persons or others who cannot read or use conventionally printed materials due to visual impairment. This program is applicable to inmates who are blind or visually impaired in the custody of the Department. The Department will act as a conduit for the transfer of such mail from an inmate to the Postal Service.

416R

	EFFECTIVE DATE 03/16/09	SUBJECT INMATE CORRESPONDENCE		
	CLASSIFICATION # 4001R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 2 OF 17 PAGES	



III. DEFINITIONS

- A. Privileged Correspondence – shall mean correspondence to and from attorneys and individuals under the direct supervision of attorneys, assistance agencies and individuals under the direct supervision of legal assistance agencies, and courts. In addition, privileged correspondence shall mean correspondence to and from the State Commission of Correction, Board of Correction and other correctional officials, local, State and Federal law enforcement agencies, media, physicians, clinicians and clergy.
- B. Non-Privileged Correspondence – shall mean all other correspondence.

IV. GUIDELINES

- (A) Inmates may correspond with any person, except when there is a reasonable belief that limitation is necessary to protect public safety or maintain facility order and security. Correspondence shall not be deemed to constitute a threat to safety and security of a facility solely because it criticizes a facility, its staff, or the correctional system, or espouses unpopular ideas, including ideas that facility staff deem not conducive to rehabilitation or correctional treatment. The Department shall provide notice of this policy to all inmates in the Inmate Handbook. There shall be no restriction upon incoming or outgoing inmate correspondence based upon either the amount of correspondence sent or received, or the language in which correspondence is written.
- (B) There shall be no censorship of any mail either to or from inmates, unless authorized by the Warden as noted in Section IV. C and E of this Directive or a lawful search warrant. No records of correspondence received by any inmate shall be placed in the inmate's institutional files, except for a Warden's order to read an inmate's correspondence as authorized by this Directive.
- C. Outgoing Inmate Non-Privileged Correspondence:
- Outgoing inmate non-privileged correspondence shall not be opened or read except pursuant to a lawful search warrant or the Warden's written order articulating a reasonable basis to believe that the correspondence threatens the safety or security of the facility, another person, or the public.
- Outgoing inmate non-privileged correspondence shall not be read unless there is information from another law enforcement agency, the Commanding Officer of the Department's Intelligence Unit (I.U.), or other Department senior staff officials of the rank of Warden or above that the correspondence may contain one or more of the following:

416R



	EFFECTIVE DATE 03/16/09	SUBJECT INMATE CORRESPONDENCE		
	CLASSIFICATION # 4001R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="checked" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 3 OF 17 PAGES	

IV. GUIDELINES (cont.)

- a. Plans for sending contraband into or out of the facility;
 - b. Plans for criminal activity within or outside of the facility; or
 - c. Information, which if communicated, would compromise the security and good order of the facility and/or the safety of any person or persons within or outside the facility.
2. A copy of the Warden's written order (Form #4001A, "WARDEN'S WRITTEN ORDER TO READ OUTGOING INMATE CORRESPONDENCE") and accompanying documentation to read outgoing correspondence must be promptly provided to the Chief of Facility Operations and placed on file in the facility's Security Office.
 3. The Warden's written order shall state the specific facts and reasons supporting the determination. The Warden shall articulate the facts and supporting reasons by completing Section 1 of Form #4001A, "WARDEN'S WRITTEN ORDER TO READ OUTGOING INMATE CORRESPONDENCE," Attachment D of this Directive.
 4. The affected inmate shall be given written notification of the determination and the specific facts and reasons supporting it by signing Section 2 of Form #4001A, "WARDEN'S WRITTEN ORDER TO READ OUTGOING INMATE CORRESPONDENCE." The affected inmate shall then be issued a copy of the form. The Warden may delay notifying the inmate only for so long as such notification would endanger the safety and security of the facility, after which the Warden shall immediately notify the inmate.
 5. A written record of correspondence read pursuant to this subdivision, Form #4001A, "WARDEN'S WRITTEN ORDER TO READ OUTGOING INMATE CORRESPONDENCE," shall be maintained and shall include: the name of the inmate, the name of the intended recipient, the name of the reader, the date that the correspondence was read, and the date that the inmate received notification.

NOTE: Section 3, "READER OF CORRESPONDENCE" of Form #4001A, shall be completed only after the affected inmate has received notification.
 6. Any action taken pursuant to this subsection shall be completed within five (5) business days of receipt of the correspondence by the Department.

416R

	EFFECTIVE DATE 03/16/09	SUBJECT INMATE CORRESPONDENCE		
	CLASSIFICATION # 4001R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 4 OF 17 PAGES	

IV. GUIDELINES (cont.)



D. Outgoing inmate privileged correspondence shall not be opened or read except pursuant to a lawful search warrant.

(E) Incoming Inmate Non-Privileged Correspondence:

1. Incoming inmate non-privileged correspondence shall not be opened except in the presence of the intended inmate or pursuant to a lawful search warrant or the Warden's written order articulating a reasonable basis to believe that the correspondence threatens the safety or security of the facility, another person, or the public.
 - a. The Warden's written order shall state the specific facts and reasons supporting the determination. The Warden shall articulate the facts and supporting reasons by completing Section 1 of Form #4001B, "WARDEN'S WRITTEN ORDER TO READ INCOMING INMATE CORRESPONDENCE," Attachment E of this Directive.
 - b. The affected inmate and sender shall be given written notification of the Warden's determination and the specific facts and reasons supporting it. Facility staff shall complete Section 2, "INMATE NOTIFICATION" and Section 3, "SENDER NOTIFICATION" of Form #4001B. The affected inmate shall then sign Section 2 and receive a copy of the form. If the correspondence has a return address, it shall be indicated in Section 3. The facility shall then mail the sender a copy of the form at the Department's expense. If the correspondence did not have a return address, this shall be indicated in Section 3 and the form is to remain on file at the facility. The Warden may delay notifying the inmate and the sender only for so long as such notification would endanger the safety or security of the facility, after which the Warden immediately shall notify the inmate and sender.
 - c. A written record of correspondence read pursuant to this subsection, Form #4001B, "WARDEN'S WRITTEN ORDER TO READ INCOMING INMATE CORRESPONDENCE" shall be maintained and shall include: the name of the sender, the name of the intended inmate recipient, the name of the reader, the date that the correspondence was received and was read, the date that the inmate received notification and the date notification was mailed to the sender.

NOTE: Section 4, "READER OF CORRESPONDENCE" of Form #4001B, shall be completed only after the affected inmate received notification and notification was mailed to the sender.



416R

	EFFECTIVE DATE 03/16/09	SUBJECT INMATE CORRESPONDENCE		
	CLASSIFICATION # 4001R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 5 OF 17 PAGES	

IV. GUIDELINES (cont.)

- d. Any action taken pursuant to this subsection shall be completed within five (5) business days of receipt of the correspondence by the Department.
2. Incoming inmate non-privileged correspondence shall not be read except pursuant to a lawful search warrant or the Warden's written order articulating a reasonable basis to believe that the correspondence threatens the safety or security of the facility, another person, or the public.
3. Incoming correspondence shall not be read unless there is information from another law enforcement agency, the Commanding Officer of the Department's Intelligence Unit, or other Department senior staff officials of the rank of Warden or above that the correspondence may contain one or more of the following:
 - a. Plans for sending contraband into or out of the facility;
 - b. Plans for criminal activity within or outside of the facility; or
 - c. Information, which if communicated, would compromise the security and good order of the facility and/or the safety of any person or persons within or outside of the facility.
4. A copy of the Warden's written order (Form #4001B, "WARDEN'S WRITTEN ORDER TO READ INCOMING INMATE CORRESPONDENCE") and accompanying documentation to read incoming correspondence must be promptly provided to the Chief of Facility Operations and placed on file in the facility's Security Office.
5. Incoming privileged correspondence shall not be read except pursuant to a court order. Incoming privileged correspondence shall not be opened and inspected except in the presence of the recipient inmate or pursuant to a lawful search warrant.
- F. The Department shall not maintain any records of correspondence received by any inmate, including sources or amounts of correspondence, except as noted in Sections IV. C and E of this Directive. In addition, nothing herein shall preclude the Department from maintaining, in a place separate from the inmate's institutional file and for the sole purpose of assuring efficient mail delivery, their own records of mail received; provided, however, that such records shall not be used in any way to affect

416R



	EFFECTIVE DATE 03/16/09	SUBJECT INMATE CORRESPONDENCE		
	CLASSIFICATION # 4001R-B			
	DISTRIBUTION A	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	PAGE 6 OF 17 PAGES	

IV. GUIDELINES (cont.)

any terms or conditions of a inmate's subsequent confinement, nor shall they be released to any party other than the inmate except upon court order or subpoena issued by a governmental agency which, by law, is authorized to inspect Department of Correction records and then only after notice to the party affected, which notice in no event shall be less than twenty-four (24) hours before the return date of the application for the court order or subpoena.

- G. Incoming correspondence may be manipulated or inspected without opening and subjected to any non-intrusive device. Such manipulation or inspection does not in any way or manner remove the responsibility for opening and inspecting all incoming correspondence in the presence of the intended inmate.
- H. Any particular correspondence may be held for an extra twenty-four (24) hours pending resolution of a search warrant application or court order.
- I. Any inmate may address written communications to the Commanding Officer of the facility or the Commissioner. Upon request, an inmate will be supplied with paper and envelope for the purpose of such communication. Such communication shall be promptly delivered to the Warden or transmitted to the Commissioner if intended for the Commissioner.
- J. Employees are prohibited from writing, mailing or conveying any letter or information from or to any inmate or any other person on behalf of an inmate without the approval of the Commanding Officer of the facility.
- K. If an inmate is unable to read or write, he or she may receive assistance with correspondence from other persons, including but not limited to, facility employees and other inmates.
- L. Each facility shall make available for purchase by inmates both stationery and postage.
- M. The Department shall provide indigent inmates (inmates having no funds in their Commissary Account) with free stationery, envelopes and first class postage for all letters to attorneys, courts and public officials. Mail from indigent inmates, addressed to the Office of the Comptroller shall be sent by certified mail at Departmental expense. Inmates receiving funds in their Commissary Accounts sufficient to cover expenses borne by the Department for certified mail within seven (7) calendar days of its posting, may be required to pay for such postage. There shall be no postage weight limitations on this type of correspondence. In addition, two (2) postage free personal letters weighing two (2) ounces or less will be permitted each week to indigent inmates. Each facility shall make available to indigent inmates at Department expense stationery and postage for all letters to attorneys, courts and public officials, as well as two (2) other letters each week.

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IV. GUIDELINES (cont.)

- N. Inmates shall be permitted at their request and their own expense, to send correspondence by certified mail. However, when the inmate is indigent, and as a matter of law, rule or regulation and such correspondence is required to be sent by certified mail, the expenses shall be borne by the facility concerned.
- Q. All procedures, guidelines and restrictions issued concerning the searching and censoring of mail received by inmates in general population as well as any changes in these procedures, guidelines and restrictions, also will apply to mail received by inmates in punitive segregation, close custody, and any other special status.

V. PROCEDURES**A. INCOMING CORRESPONDENCE**

1. In order to enhance the detection of narcotic substances concealed in inmates' incoming correspondence and packages, the following procedures will be adhered to:
 - a. All incoming inmate correspondence and packages to Rikers Island shall be forwarded to the Central Mail Processing Center.
 - b. The Canine Unit will be deployed for a narcotics scent detection of all correspondence and packages prior to being released to the facility.
 - c. Upon completion of the canine narcotics scent detection, Special Operations Division (SOD) will notify the affected commands to retrieve their inmate correspondence and packages.
 - d. Under no circumstances will inmate correspondence or packages be retrieved directly from the United States Postal Service by the individual facility.
2. Incoming inmate correspondence shall be delivered to the intended inmate within a forty-eight (48) hours period after receipt by the facility unless the inmate is no longer in custody. Upon delivery, all incoming correspondence shall be opened and inspected in the presence of the intended inmate.



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V. PROCEDURES (cont.)

3. Letters, printed material, photographs, pictures, money orders and Cashier's/Teller's checks may be received in correspondence. This list of items is to be kept on file at the Board of Correction and any revision to the list shall be forwarded to the Board of Correction. The list shall be posted in English and Spanish in each housing area.
4. When any privileged, certified, or special delivery mail is delivered to the inmate, the mail room officer assigned to distribute the mail will require the intended inmate to sign the Mail Logbook to confirm receipt of the correspondence.
5. The Mail Logbook will specify the name and book and case number of the inmate receiving mail, the name of the sending party and/or affiliation, the date of receipt, the inmate's signature and the signature of the officer distributing the mail.
6. No records of correspondence received by any inmate shall be placed in the inmate's institutional file, except as noted in Section IV. C and E of this Directive.
7. If any contraband or prohibited items other than dangerous contraband is found in any incoming correspondence, the inmate shall be so advised and the item shall be confiscated. However, at the inmate's option, the item may be returned to the sender, destroyed or donated to an outside charitable organization. The appropriate form (Form #420A [English] or #420B [Spanish], REMOVAL OF NON-PERMISSIBLE ITEM(S) INCOMING CORRESPONDENCE/PACKAGE) indicating the option selected and containing brief instructions for the appeal procedure shall be prepared in quadruplicate. The first copy shall be filed in the inmate's folder; the second copy shall be given to the inmate; the third copy is for the Board of Correction and the fourth copy shall be forwarded to the General Counsel of this Department. After removal of an item, the incoming correspondence shall be forwarded to the intended inmate.
 - a. If dangerous contraband or an item suspected of being a controlled substance is found therein, the inmate shall be so advised and the item confiscated. The contraband shall be placed in an envelope and sealed in the presence of the inmate and a witnessing officer. Entries shall be made on the sealed envelope denoting the name and address of the sender, a description of the contraband, the name, number and

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V. PROCEDURES (cont.)

location of the inmate recipient and the signature of both witnesses. The sealed envelope shall then be forwarded to the Tour Commander who shall deliver the envelope together with a full written report of the incident to the Commanding Officer for processing and possible criminal action. When an item found in incoming correspondence involves a criminal offense, it shall be forwarded to the appropriate authority for possible criminal prosecution. In such situations, the processing of Form #420A/B may be delayed if necessary to prevent interference with an ongoing criminal investigation.

- (8) All policies, guidelines, procedures, restrictions and changes issued by the Department concerning the inspection of mail received by inmates in general population, shall also apply to mail received by inmates in punitive segregation, close custody and any other special status.
9. Facilities will not accept cash by mail for deposit into the inmate funds account. In the event cash is received in the mail, it will be held in escrow until the inmate is discharged with the following exceptions:
 - a. Institutionally generated charges (i.e., unpaid restitutions, fines, mandatory surcharges;
 - b. Self-bail; and
 - c. Sent to an authorized third party.
10. All money orders and cashier's checks sent to inmates by mail for deposit in their cash fund accounts shall be received by the Institutional Mail Officer, opened in the inmate's presence and stamped "INMATE FUNDS - FOR DEPOSIT ONLY" prior to the inmate endorsing the same with his/her signature and book and case number. A numbered mail money receipt will be prepared in duplicate by the officer for each inmate receiving money. The original receipt shall be given to the inmate in accordance with the prescribed mail procedure of the institution. The duplicate receipt shall remain in the Mail Money Receipt Book as a permanent record.
 - a. To ensure accountability when different officers use the Mail Money Receipt Book throughout the day, each officer upon completion shall close out the book by clearly printing in blue or black ink, on the reverse side of the last receipt used, the date, time, numbers of the first and last receipts issued, total amount of funds collected (followed by a notation of the breakdown of money orders), and officer's name, followed by his/her signature and shield number. The officer will immediately surrender the money order(s) and book to the Cashier who will verify the

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V. PROCEDURES (cont.)



same and affix his/her signature (with name clearly printed below), identification number, the date, and the time below the officer's signature.

The Cashier will then enter in the computer, from the Mail Money Receipt Book, monies received by each inmate according to the following procedure; Inmate Banking Menu, #6 Debit and Credit Inmate Account. A line drawn across the individual receipt will denote that the receipt was entered. After all receipts are in the computer, return to Inmate Banking Menu, #8 Report Menu, then #1 Debit and Credit Register, return to Inmate Banking Menu, to #9 End of Day Processing, etc., then #1 End Day Processing.

The computer hard copy totals will be compared to monies received and verified. A copy of the Debit and Credit Register in addition to the Summary Totals will be attached to the Cashier's Daily Statement. The amount received and receipt numbers will be recorded on line #2, mail money on the Cashier's Daily Statement.

11. When the records indicate that an inmate has been transferred to another facility of the Department, the unopened envelope containing the correspondence shall be properly re-addressed, time-stamped and dispatched promptly to the facility to which the inmate was transferred. However, Privileged Mail shall be processed in accordance with the procedures outlined in Section V. C. Privileged Mail.
12. When the records indicate that an inmate has been transferred to a facility not under the jurisdiction of the Department, the unopened envelope shall be time-stamped and the original address on the envelope shall be crossed out with one (1) diagonal line (/). The name and address of the facility concerned shall be written in ink on the front of the envelope and the re-addressed envelope shall then be forwarded to the facility of record, through the United States Postal Service. No additional postage shall be required. Privileged Mail shall be processed in accordance with the procedures outlined in Section V. C. Privileged Mail.
13. Any "non-privileged mail" received for an inmate who has been discharged from the Department's custody (i.e., release on bail, released in court, completed sentence, etc.), shall be forwarded to the address of record.
 - a. When the records indicate that the inmate has been discharged and there is no forwarding address on record, the mail shall be returned to the sender. The notation MOVED - Left No Address - shall be hand-stamped on the envelope. However, if there is no return address on

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V. PROCEDURES (cont.)

the envelope and the inmate is unknown, the notation ADDRESSEE UNKNOWN shall be hand-stamped on the envelope and returned to the United States Postal Service.

B. OUTGOING CORRESPONDENCE

1. Outgoing inmate correspondence shall be addressed and sealed by the inmate.
2. All outgoing inmate correspondence shall bear the inmate's name, and either the facility post office box, or the inmate's home address in the upper left-hand corner of the envelope. Failure to comply will result in the mail being returned. Free postage shall be provided to indigent inmates in accordance with the policy stated in this Directive.
3. All outgoing inmate correspondence shall be placed in a locked mail receptacle by the inmate, and the mail shall be forwarded through the United States Postal Service at least once each business day.
4. Inmates who are blind or visually impaired may choose to send outgoing mail without postage. The mail may be sent to both domestic and international destinations. The contents of the mail must meet USPS requirements for the free mailing service. These requirements specify the types of items that qualify for the service.
5. The envelope must meet the following two requirements:
 - a. The phrase "Free Matter for the Blind or Handicapped" must be marked on the upper right hand corner of the front.
 - b. The envelope must remain unsealed.
6. The mailroom staff that process outgoing mail shall screen the items mailed to ensure that those being sent without postage are items submitted by inmates entitled to free mail.
 - a. The Officer or other staff person shall maintain a list of the inmates who are blind or visually impaired; the list shall include the name, Book and Case Number, Housing Location and type of disability of the inmates.
 - b. When an inmate is admitted to a Departmental facility and appears to have or is claiming a disability, the inmate shall be assessed in the facility's clinic by medical staff. Once it has been determined by medical staff that the inmate has a disability, the Intake Supervisor or designee,

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V. PROCEDURES (cont.)

shall immediately notify the Associate Counselor located in the Counseling Services Unit at the facility and the Deputy Warden for Programs or his/her designee. The Deputy Warden for Programs will provide the mailroom with an updated disability list on a weekly basis, which shall also include all inmates that are blind or visually impaired. During non-business hours the Intake Supervisor shall forward this information to the office of the Deputy Warden for Programs.

- c. The Officer or other staff person assigned to the mailroom shall check all items of outgoing mail that have no postage and are marked "Free Matter for the Blind and Handicapped" against the weekly list of disabled inmates.
 - i. Letters or packages so marked by inmates who are on the list as qualifying for free mail shall be sent out with all other outgoing mail. The Department shall not be obligated to provide any postage for these materials.
 - ii. Letters or packages so marked by inmates who are not on the list and, therefore, not qualified for free mail shall be returned to the inmates for proper postage.
- d. The Officer or staff person shall leave the letters or packages that qualify for free mailing unsealed so that the USPS may inspect its contents.

C. PRIVILEGED MAIL

1. When any privileged, certified, or special delivery mail is undeliverable, a notation of why delivery could not be effected shall be made in the UNDELIVERED MAIL LOGBOOK – PRIVILEGED, CERTIFIED, REGISTERED and SPECIAL DELIVERY by the Mail Clerk or other person assigned to perform said duties.



The opening/closing date of the Logbook shall be entered on the outside cover of the Logbook.

2. The Logbook shall contain the following headings:

Entry A - Name/address of sender;

Entry B - Name/number of inmate addressee;

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V. PROCEDURES (cont.)

Entry C - Reason why mail was undelivered. This entry must be clearly stated, for example:

- i. Inmate was transferred to GMDC.;
- ii. Inmate was released on bail;
- iii. Inmate transferred to State Prison (Give name/address).

Entry D - Action taken, for example:

- i. Mail forwarded to address of record - enter address where mail was forwarded;
- ii. Return to sender - enter reason why mail is being returned to sender, e.g., addressee unknown, insufficient information, etc.

Entry E - Date action taken as per Entry "D" above;

Entry F - Name/I.D. number of person processing the mail - recording the entries.

After making the logbook entries, the Mail Clerk shall then process the mail as specified in this section.

3. FORWARDING OF PRIVILEGED MAIL



All privileged mail addressed to an inmate who has been transferred to another facility within the Department or transferred outside the jurisdiction of the Department shall be time-stamped and imprinted with a standardized stamp provided by the Department (see Exhibit A), and processed by the Mail Clerk or officer assigned to perform Mail Clerk duties.

- a. Prior to the Mail Clerk imprinting the envelope, a diagonal line (/) shall be placed through the original address.
- b. The stamp shall contain the following information:

FORWARD TO (ADDRESS ONLY)

- i. DATE RECEIVED;
- ii. DATE FORWARDED;

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V. PROCEDURES (cont.)

iii. FORWARDING FACILITY (NAME OF);

iv. FORWARDED BY (NAME/I.D. # OF PERSON PROCESSING THE MAIL)

- c. The Mail Clerk will then clearly print the information required in the imprinted captions and then forward the piece of mail to the United States Postal Service for processing, or to the facility of record if the inmate was transferred to a facility within the Department.

4. RETURN OF PRIVILEGED MAIL TO SENDER



- a. When privileged mail is received for an inmate who has been discharged and there is no record or a forwarding address, or in cases where the mail can not be delivered to the inmate because of "insufficient information," "addressee unknown," or "no forwarding address," the privileged mail shall be time-stamped and imprinted with the standardized stamp provided by the Department (see Exhibit B), before it is returned to the sender. Prior to the Mail Clerk imprinting the envelope, a diagonal line (/) shall be placed through the original address.

The stamp shall contain the following information:

RETURN TO SENDER

- i. DATE RECEIVED;
- ii. DATE FORWARDED;
- iii. (CHECK THE APPROPRIATE BOX)
- iv. // NO FORWARDING ADDRESS;
- v. // ADDRESSEE UNKNOWN;
- vi. // UNDELIVERABLE - INSUFFICIENT INFORMATION;
- vii. FORWARDED BY FACILITY (NAME OF);
- viii. FORWARDED BY (NAME/I.D. # OF PERSON PROCESSING THE MAIL).

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V. PROCEDURES (cont.)



NOTE: Prior to any privileged mail being returned to sender, the Mail Clerk shall make a reasonable attempt to locate the forwarding address of the inmate concerned, by perusing the inmate's folder or by referring to the Inmate Information System (I.I.S.); in addition, before any privileged mail is returned to sender, the Mail Clerk shall submit the mail to the supervisor in charge of the Mail Room, who shall ensure that every effort to locate the addressee was made.

- b. The Mail Clerk will then clearly print the information required in the imprinted captions, check the appropriate box and then forward the piece of mail to the United States Postal Service for RETURN TO SENDER.

D. APPEAL

1. Within twenty-four (24) hours after the removal of any item(s) from correspondence, the intended inmate, the Board of Correction and the General Counsel of this Department shall be given written notification of such removal. Such notice may be delayed, if necessary, to prevent interference with any ongoing criminal investigation. See Attachments: Form #420A (English) and Form #420B (Spanish). This notice shall include:
 - a. The name (and number, if inmate) and address of sender;
 - b. The name and number of the recipient (sentenced - use sentence number; detention - use book and case number);
 - c. The item(s) removed;
 - d. The reason(s) for removal;
 - e. The disposition of the item(s);
 - f. The appeal procedure.
2. The removal of the item(s) from an incoming letter may be appealed to the Board of Correction by the affected person.
3. The affected person shall be advised that notice of the intent to appeal the removal must be given in writing, to the facility, to the Department and the Board of Correction.

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V. PROCEDURES (cont.)

4. After notice is filed, the appeal may be submitted and the Department, the facility and any affected person may submit to the Board of Correction for its consideration any additional relevant material.
5. The Board of Correction or its designee, shall issue a written response to the appeal within fourteen (14) business days after receiving notice of the appeal.



VI. REFERENCE

Directive #1500R-A, entitled "STANDARD OPERATING PROCEDURE FOR RECEIPT, DISBURSEMENT AND ACCOUNTING OF INMATE CASH FUNDS", dated 11/10/97 (as amended).

VII. ATTACHMENTS

- A. Exhibit A - Standardized stamp for privileged mail addressed to an inmate who has been transferred to another facility within the Department or transferred outside the jurisdiction of the Department.
- B. Exhibit B - Standardized stamp for privileged mail for an inmate who has been discharged and there is no forwarding address, or in cases where the mail cannot be delivered to the inmate because of "insufficient information", addressee unknown" or "no forwarding address."
- C. Form #420A (English) and Form #420B (Spanish), REMOVAL OF NON-PERMISSIBLE ITEM(S) - INCOMING CORRESPONDENCE/PACKAGE.
 1. When it is necessary to use Form #420B (Spanish); the information entered shall also be in Spanish. The corresponding Form #420A (English) shall be prepared and the information entered shall be in English.
 2. Prepare the form(s) in quadruplicate for the following distribution:
 - a. Original copy to inmate's folder;
 - b. One (1) copy to inmate;
 - c. One (1) copy to Board of Correction;
 - d. One (1) copy to the General Counsel of this Department.

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VII. ATTACHMENTS (cont.)

3. Clearance for administrative purposes and distribution shall be made by the office of the facility Commanding Officer.
- D. Form #4001A, WARDEN'S WRITTEN ORDER TO READ OUTGOING INMATE CORRESPONDENCE.
 - E. Form #4001B, WARDEN'S WRITTEN ORDER TO READ INCOMING INMATE CORRESPONDENCE.
 - F. Form #4001C, LIST OF ITEMS PERMITTED TO BE RECEIVED THROUGH THE MAIL.

VIII. SUPERSEDES

Directive #4001R-A, entitled "INMATE CORRESPONDENCE", dated 06/16/08.

EXHIBIT A

ATTACHMENT A

THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION

FORWARD TO: _____

FOR OFFICIAL USE

DATE RECEIVED: _____

DATE FORWARDED: _____

FORWARDING FACILITY: _____

FORWARDED BY: _____

(BOLD PRINT)

EXHIBIT B

ATTACHMENT B

THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION

RETURN TO SENDER

CHECK THE APPROPRIATE BOX

☐ NO FORWARDING ADDRESS

☐ ADDRESSEE UNKNOWN

☐ UNDELIVERABLE - INSUFFICIENT INFORMATION

FOR OFFICIAL USE

DATE RECEIVED: _____

DATE RETURNED: _____



RETURNING FACILITY: _____

RETURNED BY: _____

(BOLD PRINT)

{Prepare in quadruplicate}

(prepare cuatro copias)

	CORRECTION DEPARTMENT CITY OF NEW YORK	PREPARE THIS FORM IN QUADRUPPLICATE Form # 4001A Rev.: XX/XX/08 Ref.: Dir. #4001R-B	
	WARDEN'S WRITTEN ORDER TO READ OUTGOING INMATE CORRESPONDENCE		

SECTION I - AUTHORIZATION

[illegible]

SECTION 2 – INMATE NOTIFICATION



I CERTIFY THAT I HAVE RECEIVED A COPY OF THIS ORDER	SIGNATURE OF INMATE:	B & C #	DATE:	TIME:
Served by (Print Name, Rank and Shield #):		Signature of Server:		
Refused to Sign for Notice: <input type="checkbox"/> Yes <input type="checkbox"/> No		Witnessed by:		

SECTION 3 – READER OF CORRESPONDENCE

MEMBER READING CORRESPONDENCE	NAME:	RANK:	SHIELD:
	SIGNATURE:		DATE READ:

DISTRIBUTION	ORIGINAL - FACILITY FILES	COPY - INMATE FOLDER
	COPY - INMATE	COPY - FACILITY OPERATIONS

ATTACHMENT E

	CORRECTION DEPARTMENT CITY OF NEW YORK		PREPARE THIS FORM IN QUINTUPLICATE Form # 4001B Rev.: XX/XX/08 Ref.: Dir. #4001R-B		
	WARDEN'S WRITTEN ORDER TO READ INCOMING INMATE CORRESPONDENCE				
SECTION 1 - AUTHORIZATION					
NAME OF FACILITY:			DATE CORRESPONDENCE RECEIVED:		
INTENDED INMATE RECIPIENT	NAME:	B & C #:	NYSID #:		
SENDER OF CORRESPONDENCE	NAME:				
	ADDRESS:				
Warden's justification for reading, (to include specific facts and reasons supporting the determination): <div style="border: 1px solid black; height: 100px; width: 100%;"></div>					
WARDEN'S NAME:					
SIGNATURE:		DATE OF DETERMINATION:			
SECTION 2 - INMATE NOTIFICATION					
I CERTIFY THAT I HAVE RECEIVED A COPY OF THIS ORDER	SIGNATURE OF INMATE:	B & C #	DATE:	TIME:	
Served by (Print Name, Rank and Shield #):		Signature of Server:			
Refused to Sign for Notice: <input type="checkbox"/> Yes <input type="checkbox"/> No		Witnessed by:			
SECTION 3 - SENDER NOTIFICATION					
NOTIFICATION TO SENDER	<input type="checkbox"/> COPY OF THIS NOTICE WAS SENT TO RETURN ADDRESS				
	<input type="checkbox"/> CORRESPONDENCE DID NOT HAVE RETURN ADDRESS				
	STAFF'S NAME:		DATE SENT:		
	SIGNATURE	RANK:	SHIELD:		
SECTION 4 - READER OF CORRESPONDENCE					
MEMBER READING CORRESPONDENCE	NAME:	RANK:	SHIELD:		
	SIGNATURE:		DATE READ:		
DISTRIBUTION	ORIGINAL - FACILITY FILES COPY - INMATE FOLDER COPY - INMATE COPY - SENDER COPY - FACILITY OPERATIONS				

ATTACHMENT F



THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION

LIST OF ITEMS PERMITTED TO BE
RECEIVED THROUGH THE MAIL

Form: #4001C

Eff.: 06/16/08

Ref.: Dir. #4001R-A



THE FOLLOWING ITEMS ARE PERMITTED TO BE RECEIVED
THROUGH THE MAIL AS OUTLINED IN DIRECTIVE # 4001R-A,
INMATE CORRESPONDENCE:

ITEMS
LETTERS
PRINTED MATERIAL
PHOTOGRAPHS (INSTANT PHOTOGRAPHS ARE PROHIBITED)
PICTURES
MONEY ORDERS
CASHIER'S/TELLER'S CHECKS

****CASH WILL NOT BE ACCEPTED**

EXHIBIT- E

ATTACHMENT - C

Inmate copy



CITY OF NEW YORK - DEPARTMENT OF CORRECTION

OFFICE OF CONSTITUENT AND GRIEVANCE SERVICES

Form.: 7102R
Eff.: 9/14/18
Ref.: Dir. 3376R-A

DISPOSITION FORM

Grievance Reference #:
200469/T113/19Date Filed:
03/22/19Facility:
MDCInmate Name:
WILLIAMS, ALEXANDERBook and Case#:
141-18-01632Category:
#4- MAIL

From OCGS Inmate Statement Form, print or type short description of grievance:

On the above date (03/20/19)

I was informed by Security Captain Mathis that I did have incoming mail but would not be given it until it was logged as of 7 pm I still did not received mail. There is no policy that can be issued to start that NYC DoCs must keep a track record of who is writing me and who I write. I am a pre-detainee and keeping record of my mail.

SEE ATTACHED DOCUMENTS

Action Requested by Inmate: Incentive censorship of mail, give me notice of why mail is censored and answer grievance.

STEP 1: FORMAL RESOLUTION

Check one box: ☒ Grievance ☐ Submission is not subjected to the Grievance Process

The Office Of Constituent and Grievance Services proposes to formally resolve your grievance as follows below. Alternatively, OCGS staff shall provide an explanation for why the submission is not subject to the OCGS process.

On 03/25/19 The OCGS has reviewed your statement and was in contact with MDC Security to learn that based on your Court Order and The Departments Guidelines in the handling of inmates Correspondence although there isn't any listed restrictions to whom you can send or receive mail/correspondence the information in your court order specifies a risk of compromising the security and/or the safety of any person or persons outside the facility.

Based on these findings the reading of your Correspondence/Mail is deemed appropriate.

CHECK THE APPROPRIATE BOX BELOW AND PROVIDE YOUR SIGNATURE

(Failure to sign forms will forgo your right to appeal the proposed resolution.)

☐ Yes, I accept the resolution ☐ No ☒ I request to appeal the resolution of this grievance to the Commanding officer.

Note: If you appeal, the grievance staff can request for a preliminary based review if they feel the complaint was thoroughly investigated and addressed, prior to forwarding to the Commanding Officer. You will receive the outcome of this review within 10 business days to inform you the appeal will proceed or you exhausted administrative remedies.

Inmate's Signature:

Date:

3/26/19

☐ Preliminary Review Requested

Grievance Coordinator/Officer Signature:

Date:

3/26/19

ATTACHMENT-B-1



CITY OF NEW YORK - DEPARTMENT OF CORRECTION

OFFICE OF CONSTITUENT AND GRIEVANCE SERVICES

INMATE STATEMENT FORM

 Form: 7101R-A
 Eff: 9/14/18
 Ref: Dr. 3376R-A


Inmate's Name:

Alexander Williams

Book & Case #:

1411801632

NYSID #:

Facility:

MDC

Housing Area:

9 North

Date of Incident:

03/20/19

Date Submitted:

03/20/19

All grievances must be submitted within ten business days after the incident occurred, unless it's a sexual abuse or harassment allegation. The inmate filing the grievance must personally prepare this statement. Upon collection by the Office of Constituent and Grievance Services (OCGS) staff, OCGS staff will time-stamp and issue it a grievance reference number. OCGS staff shall provide the inmate with a copy of this form as a record of receipt.

Grievance:

on the above date I was informed by security captain mather that I did not have incoming mail. But would not be given it until it was logged as of 7 pm I still did not receive mail. There is no policy that can be issued to state that NYCDOS must keep a track record of who is receiving me and who I receive. I am a pre-detainee and keeping record of my mail.

Action Requested by Inmate:

Discontinue censorship of mail, give me notice of why mail is censored and answer grounds.

Please read below and check the correct box:

Do you agree to have your statement edited for clarification by OCGS staff?

Yes ☐ No ☒

Do you need the OCGS staff to write the grievance for you?

Yes ☐ No ☒

Have you filed this grievance with a court or other agency?

Yes ☐ No ☒

Did you require the assistance of an interpreter?

Yes ☐ No ☒

Inmate's Signature:

Alexander Williams

Date of Signature:

03/20/19

FOR DOC OFFICE USE ONLY

OCGS MUST PROVIDE A COPY OF THIS FORM TO THE INMATE AS A RECORD OF RECEIPT.

THIS FORM IS INVALID UNLESS SIGNED BY THE INMATE AND GRIEVANCE COORDINATOR.

Grievance Reference #

T113/19/200469

Category:

#4 Correspondence/Hail

Office of Constituent and Grievances Services Coordinator/Officer Signature:

NYC DEPT CORRECTION
 OFFICE OF CONSTITUENT & GRIEVANCE SERVICES
 101-1133880
 2019 MAR 22 4 10 PM
 TIME STAMP

EXHIBIT - F



NEW YORK CITY DEPARTMENT OF CORRECTION
Cynthia Brann, Commissioner

Laura S. Mello
Senior Counsel | FOIL Officer
75-20 Astoria Boulevard
East Elmhurst, New York 11370

718-546-0952
Fax 718-278-6001

August 23, 2019

Alexander Williams
141-18-01632
MDC
125 White Street
New York, New York 10038

Re: FOIL Request
FOIL #: 2020FR0337

Dear Mr. Williams:

This is a final response to your request for records (copy enclosed) made pursuant to the New York State Freedom of Information Law. Enclosed please find MDC's 9 North logbook and the inmate withdrawal forms you requested.

Please be advised that personally identifying information pertaining to other inmates has been withheld because disclosure of such would constitute an unwarranted invasion of privacy pursuant to the New York State Public Officers Law, Section 87(2)(b).

Pursuant to the New York State Public Officers Law Section 89(4), you may, within thirty (30) days of receiving this letter, submit an appeal for any redacted or withheld information to Lisa Richardson, Deputy General Counsel / Records Appeal Officer, at the above address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Avninder Ajula".

Avninder Ajula
Assistant General Counsel

5 SEP 2019 PM 11:48

Enclosure
AA/amt

Tuesday July 2nd 2019 07:00X1531 fax

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X
"do Martinez" Aca on post
his writer has given back
inmate williams, alexander
141-89-632 back 5 pieces of
certified mail addressed to
1405 as per said inmates request
letter addressed to Michael Cohen
14 Cart Street suite 906 Brooklyn
Ny 11201 has been sent at

by J. Anuro inqurs 7coll A Williams 141-18-01692
C.A. w/ C.O. Jo. Ramirez